Report of the Ombudsman

1989

Nova Scotia

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Nova Scotia

Office of the Ombudsman

Ombudsman

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Hon. Arthur R. Donahoe, Q.C.
Speaker
The Legislative Assembly
Province of Nova Scotia

May 1990

Mr. Speaker:

I have the honour to submit the report of the Ombudsman for the year ending December 31, 1989.

Respectfully submitted,

Guy R. MacLean
Ombudsman

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The Ombudsman

The concept

Ombudsman is a Swedish word that is now firmly entrenched in English and other languages around the world.

The term is derived from "justitieombudsman," meaning a representative or advocate of the people. Today it refers to an independent and impartial officer of the legislature who has a mandate to investigate complaints from members of the public against perceived injustices arising from administrative actions or omissions of government.

The ombudsman is empowered by the legislature to investigate, comment, criticize, report findings to the legislature and inform the public, but he or she has no power to reverse decisions. The ombudsman should be a person who is in a position to persuade those who make decisions to correct them if they have been unreasonable, oppressive, or simply wrong.

The ombudsman can be a fail-safe mechanism for bureaucrats whose errors may have been unintentional. The mere existence of the ombudsman can have the effect of keeping civil servants alert to the rights of the individual.

The ombudsman deals with a case by first determining whether or not the organization complained about falls within his or her jurisdiction. All ombudsmen in Canada have a mandate to investigate complaints against the administration of provincial laws, regulations and agencies. They are not empowered to deal with complaints under federal jurisdiction. Only in Nova Scotia and New Brunswick have they the power to investigate complaints against municipalities.

The ombudsman has the statutory authority to go into a government department, review any files relating to a grievance, and to require a civil servant to provide evidence, with a subpoena if necessary. Even a member of the public not directly involved in a case, but considered to be a useful witness, may be summoned by the ombudsman with the approval of the Attorney General.

Ultimately, the ombudsman can only make a recommendation. If a department is determined to ignore it, then the ombudsman can only refer the matter to a minister, the cabinet or the legislature.

Origin and development

The forerunner of the modern ombudsman came into being in 1713 when the King of Sweden decided he needed someone to protect citizens from injustices at the hands of officials. He appointed a Chancellor of Justice to act on his behalf for this purpose.

When constitutional changes came about in Sweden in 1809, a "justitieombudsman" was appointed by the legislature to ensure that administrative officials and courts adhered to the laws of the country.

In recent years there has been a remarkable growth in the number of ombudsman offices around the world. Until 1955 there were only three, in Sweden, Finland and Denmark. In the 1960s offices were established in Norway, New Zealand, Guyana, the United Kingdom, Hawaii and two Canadian provinces.

The idea continued to spread rapidly in the 1970s and 1980s so that there are now national ombudsmen in more than 50 countries and many more throughout the world at the regional, state, provincial and local levels. In 1978 the International Ombudsman Institute was established at the University of Alberta in Edmonton.

Other ombudsmen

Sometimes the office is called by another name. For example in Poland, there is a Commissioner for Civil Rights Protection, in Greece an Administration Commissioner, in Hungary a Procurator, in the Soviet Union a Procuratura, in the Sudan a Public Commissioner, in Spain a Defensor del Pueblo, and in Nepal a Commission for the Prevention of Abuse and Authority. Despite the last syllable, not all ombudsmen are men. For example, in Poland and Ontario at the present time the position is held by a woman. The problem of gender has been resolved in some jurisdictions by introducing the term "ombud."

Some ombudsmen are concerned with specialized fields such as defence, prisons, access to information, protection of privacy, mental health, consumer affairs, and official languages. For example, West Germany, Australia, Norway, Switzerland and Israel have military ombudsmen. In Washington there is an ombudsman for the International Monetary Fund. In Britain a recent act of Parliament provides for an independent commissioner to investigate complaints by members of the public against MI5, the secret security service.

The term ombudsman has become so popular that it is now widely used to describe any person who receives complaints from the public about the way an organization conducts its business.

Radio, television, churches, businesses and a variety of other non-governmental organizations have established so-called "ombudsman" services.

A number of newspapers in Canada and the United States, including *The Washington Post*, *The Edmonton Journal*, *The Winnipeg Sun*, *The Toronto Star*, *The Ottawa Citizen*, *Le Soleil*, *The Montreal Gazette*, and *The Daily News* in Halifax-Dartmouth, feature ombudsman columns and provide a valuable service to readers. These journalists have gone so far as to form their own association, the "Organization of Newspaper Ombudsmen."

More than 100 universities in the United States and Canada, including Dalhousie University and the University of Prince Edward Island, have appointed student ombudsmen to deal with student and faculty complaints.

Reason for growth

Why the growth in the number of ombudsmen?

Since the Second World War, government has expanded rapidly and with that expansion has come a bewildering growth of bureaucracies. Because there are now so many more services and support systems to which people have access, the need for protection against bureaucratic mistakes and abuses of power has clearly manifested itself. It has become obvious that people are increasingly vulnerable to the decisions of civil servants, and that the efficient and fair-minded operation of vast administrative structures is not easily achieved.

Mistakes can and do happen, whether as the result of managerial shortcomings, inadequate information, faulty interpretation of known facts, or a simple lack of sensitivity to personal circumstances. A mistake that appears trivial in a large organization — and few are larger than government — can be extremely serious for the individual.

Thus the concept of the ombudsman, although originally conceived in an era very different from our own, has come to be regarded as a useful instrument to help the citizen secure fair treatment from the modern state.

The Ombudsman in Canada

The Government of Canada drafted legislation to establish a federal ombudsman in 1978 but the bill was not enacted. Instead there are now several federal agencies which deal with individual complaints relating to federal departments, agencies and officials.

The Commissioner of Official Languages

In 1969, after the federal government passed legislation decreeing that Canada recognizes two official languages, the office of the Commissioner of Official Languages was established with a mandate similar to that of the ombudsman but with special reference to language complaints.

Correctional Investigator

This office was established in 1973 and is empowered to investigate and report to the Solicitor General on complaints and grievances received from inmates in federal prisons.

Privacy Commissioner

The Privacy Commissioner is an independent officer with power to investigate complaints and correct the situation in cases where he or she finds that someone has been improperly denied access to personal information held in federal government files. The office was created in 1977.

Information Commissioner

The office of the Information Commissioner was established in 1983 to see that federal government departments and agencies subject to the Access to Information Act comply with the requirements of the statute. The commissioner investigates and acts as a mediator when complaints regarding access, fees, delays, and language are received. The commissioner can take legal action before a Federal Court on behalf of complainants.

The Canadian Human Rights Commission

Created in 1977, the Canadian Human Rights Commission is an independent body which investigates and mediates discrimination complaints, within the federally regulated areas, relating to race, ethnic origin, colour, religion, age, sex, marital status, family status, and disability.

RCMP Public Complaints Commission

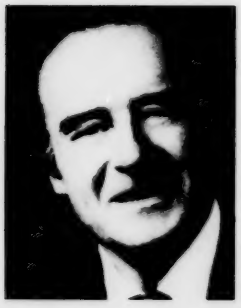
The RCMP Public Complaints Commission is the most recent of the ombudsman-like institutions in Canada. It was created in September 1988 and enables an independent commission to investigate allegations concerning the conduct of members of the force.

Provincial Ombudsmen

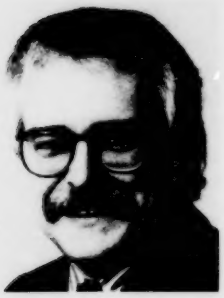
There is an ombudsman in every province except Prince Edward Island. The first provincial Ombudsman Act was passed by Alberta in March 1967. It was the first such legislation in North America. The first ombudsman took office in Alberta in September 1967. New Brunswick made an appointment later in the same year, and was followed by Quebec (1968), Manitoba (1969), Nova Scotia (1971), Saskatchewan (1972), Ontario (1975), Newfoundland (1975), and British Columbia (1979). In Quebec the ombudsman is known as le Protecteur du Citoyen, or public protector, and in Newfoundland as the Parliamentary Commissioner.

The Ombudsman in Nova Scotia

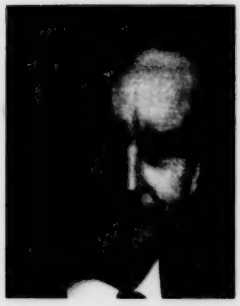
DR. HARRY D. SMITH was the first Ombudsman to be appointed in Nova Scotia. A graduate of Dalhousie and Laval Universities, he also studied at universities in France, Spain, Mexico and the United States. For more than 20 years he taught French in both high school and university (Dalhousie University, Nova Scotia Teachers College and Royal Roads Military College). He was President of the University of King's College from 1963 to 1969. He served as Ombudsman for two five-year terms (1971-1981). Gordon S. Earle, the first investigator appointed by Dr. Smith, is now the Ombudsman of Manitoba.



MR. WILLIAM L. CAMPBELL was Ombudsman for four years, from January 1982 to December 1985. He had served in the Canadian Army for 31 years before retiring in 1969 with the rank of lieutenant-colonel. In 1969 he was elected to Colchester County Council and the following year became Warden of the county, serving in that capacity until 1973. He was with the Nova Scotia Emergency Measures Organization from 1972 until 1978, and from 1978 to 1981 was a Member of the Legislative Assembly.



MR. GERALD F. DeYOUNG was Acting Ombudsman in 1986 and again in 1988-89. A graduate of Dalhousie University, he was on the staff of the Department of Public Welfare before joining the Office of the Ombudsman as an investigator in 1974.



DR. W. ANDREW MacKAY, former Dean of Law and President of Dalhousie University, succeeded Mr. Campbell in 1986. A graduate of Dalhousie and Harvard law schools, Dr. MacKay had served with the Department of External Affairs before returning to Dalhousie to teach law in 1957. He was chairman of the Nova Scotia Human Rights Commission for nearly 20 years, and was chairman of the Nova Scotia Task Force on AIDS while serving as Ombudsman. In 1988 he resigned in order to take up an appointment to the trial division of the Federal Court of Canada.

The fourth Ombudsman is DR. GUY R. MacLEAN, a graduate of Dalhousie University and a Rhodes Scholar. He received his MA from Oxford University and his PhD from Duke University in the United States. He taught history at Dalhousie from 1957 to 1980, during which time he also served as Dean of Men at King's College, Dean of Residence, Dean of Graduate Studies, Dean of Arts and Science, and Vice-president (Academic and Research). In 1980 he was appointed President of Mount Allison University. He took up the appointment of Ombudsman in September 1989.

Ombudsman Act of Nova Scotia

The Ombudsman Act of Nova Scotia was passed in 1970 and proclaimed in 1971. It specifies that the Ombudsman's power of inquiry relates to the investigation of the administration of an "Act" of the province or a municipality. The specific reference to a statute would appear to place a narrower limit on the jurisdiction of the Ombudsman in Nova Scotia than is the case in other provinces. For example, ombudsmen in Alberta, British Columbia, Manitoba, New Brunswick, Newfoundland, and Saskatchewan are empowered to investigate "matters of administration" in general. In Ontario the Ombudsman may investigate decisions or omissions "in the course of the administration" of a government organization. In Quebec le Protecteur du Citoyen may investigate acts or omissions of a public body, but that power of investigation is not confined to the purely administrative functions of government.

All provincial ombudsmen, with one exception, are appointed by the Lieutenant-Governor or Governor-in-Council. The exception is Quebec, where the appointment is made by the National Assembly on motion of the Prime Minister supported by two-thirds of the members. In British Columbia, Alberta and Manitoba, the statute provides for the appointment to be made on the recommendation of a standing committee of the Legislature. In other provinces, recommendations have been the responsibility of the premier, who may consult as little or as much as he considers appropriate.

In principle, it would seem that the Ombudsman should be appointed by the Legislature. This would reflect the fact that he or she is responsible to the Legislative Assembly and not to the executive branch of government. However, given the long-standing tradition of strong executive government in this and other provinces, it may be unrealistic to expect that appointment by the Legislature alone would be acceptable. A reasonable compromise would be for the Cabinet to consider and act on recommendations submitted by a broadly representative committee of the Legislature. Such a procedure, if adopted, would be consistent with the role of the Ombudsman as an independent officer of the Legislature and would do much to enhance the credibility of the office.

Activities in 1989

Staff

The Office of the Ombudsman has been most fortunate in attracting and retaining the services of a staff deeply committed to the ombudsman concept. Gerald DeYoung joined the office as an investigator in 1974. On two separate occasions when the position of Ombudsman remained vacant for extended periods, he served as Acting Ombudsman. Muriel Mappin and Linda Arthur joined the staff as secretaries in 1978 and 1984 respectively. In recent years both have become increasingly involved in investigative responsibilities. Victoria Goldring has been with the office since the summer of 1988 when she was an intern student under the Co-operative Education Student program sponsored by the Civil Service Commission. She became a full-time investigator on receiving her Master of Public Administration degree from Dalhousie University in 1989. Martin Corbett, also a graduate student at Dalhousie, worked in our office under the same program during the summer of 1989. Toni MacDonald was appointed as a secretary-receptionist in October 1989. Dr. A. Lloyd Caldwell, Q.C., independent counsel to the office almost since its inception, continues to provide legal advice when called upon.

National conference

There is no formal association of Canadian ombudsmen. Instead, each year, there is a national conference when provincial ombudsmen, federal commissioners, and senior staff meet to share experiences and exchange ideas. The most recent conference was held in Quebec City in October 1989 when le Protecteur du Citoyen was host to some 170 delegates and observers from across Canada, including the Ombudsman and Gerald DeYoung from Nova Scotia. Six plenary sessions were devoted to examination of the systemic approach to investigations, ombudsmen and the media, charters of rights, administrative fairness, alternative forms of redress, and the ombudsman's role in contemporary society. As in previous conferences, the experience was beneficial for all participants and demonstrated once again that ombudsmen have much to learn from each other.

National workshop

A two-day workshop for ombudsman investigative staff was held in Edmonton in May 1989. Muriel Mappin of our office was among 51 participants in a program organized by the staff of the Ombudsman's office in Alberta and consisting of intensive sessions related to workers' compensation, family maintenance enforcement, alternative dispute resolution, administrative tribunals, case management, personal skills, and stress management.

New location

In October our office was moved to new premises in the Lord Nelson building on Spring Garden Road, Halifax. The present location provides ample parking, is well served by public transportation, and should enable us to serve the public more effectively in the future.

Complaints

In the year ended December 31, 1989, the Ombudsman in Nova Scotia received 1,400 complaints.

There is probably no simple statistical formula which adequately reflects the volume of work and case load in the office of an ombudsman. Some public service organizations record "contacts" rather than cases, each contact being an interview, a telephone call, or a letter relating to a single complaint. By that measure, our office would have had about 10,000 contacts in 1989.

It has been suggested that when one person submits a complaint on behalf of others who form a clearly identifiable group, then every person in the group should be considered a complainant. For example, when several thousand Nova Scotian investors stood to suffer significant financial loss following the collapse of the First Investors Corporation Ltd., together with investors in other provinces, they formed a national organization called "Victims of Principal." In due course representatives of the organization in Nova Scotia submitted a formal request to the Ombudsman demanding an investigation into the matter. It would not be unreasonable to suggest that nearly 6,000 people were the complainants in this case. However, our statistical tables include only those several individuals designated to represent the organization and speak on behalf of all.

The statistical tables in this report refer to two categories of complaints, formal and informal. In 1989 our office received 629 formal complaints and 771 informal complaints.

An informal complaint is one that can be resolved with one or two

telephone calls, by referring the complainant to the appropriate department, or by simply providing information. Every effort is made to assist the complainant either by drawing attention to alternative means of redress, or by offering advice based on our experience in similar situations. Even when our office does not undertake a formal investigation, a considerable amount of time and effort is involved in providing this kind of assistance. Because of their brevity, these cases are merely noted; indeed, some may not be recorded at all. Nevertheless, over the course of a year they represent a significant staff effort.

A formal complaint relates to a problem which requires more attention and may involve an exhaustive investigation. This process normally generates a substantial file of correspondence, documentation, meetings, interviews, and telephone calls between our office, the department and the complainant. An inquiry can take a few days or several months depending on its complexity.

Results

In 1989 our efforts on behalf of complainants were successful in 60 per cent of the cases investigated; that is to say, some definite corrective action was taken by the department concerned or the complainant was assisted.

In 22 per cent of the cases our staff either declined or discontinued an investigation, or concluded after full investigation that a complaint had not been substantiated.

Nearly 8 per cent of cases were discontinued at the request of the complainant, usually after information had been provided.

Approximately 10 per cent of the complaints were still under investigation at year end.

Table I

Total and Origin of Complaints 1971-1989

County	1971	1972	1973	1974	1975	1976
Annapolis	16	11	13	19	16	12
Antigonish	5	8	5	10	10	7
Cape Breton	41	52	44	68	95	97
Colchester	8	18	11	34	37	24
Cumberland	14	16	12	25	34	15
Digby	8	7	6	16	14	18
Guysborough	6	10	4	7	25	13
Halifax	56	80	148	478	637	599
Hants	7	3	10	23	21	25
Inverness	6	11	3	4	8	8
Kings	12	16	10	35	29	15
Lunenburg	9	12	17	62	50	33
Pictou	9	13	13	51	24	27
Queens	3	3	4	9	7	12
Richmond	1	7	4	1	9	2
Shelburne	9	8	11	30	18	13
Victoria	2	5	5	21	1	1
Yarmouth	6	2	7	32	16	9
Out of Province	9	15	8	21	25	26
Informal Complaints (all counties)						
Total	**227**	**297**	**335**	**946**	**1076**	**956**

1977	1978	1979	1980	1981	1982	1983	1984	1985	1986	1987	1988	1989
18	10	12	8	20	9	18	12	12	18	14	8	16
7	9	6	5	20	19	11	24	13	2	8	9	8
68	65	73	86	57	70	48	87	43	33	74	49	66
26	21	12	25	14	41	35	26	30	18	22	28	26
14	24	14	15	14	25	33	28	33	12	31	19	33
12	7	13	8	11	9	15	14	9	7	8	13	13
8	10	7	3	8	9	9	6	9	11	11	10	15
548	504	434	328	278	322	297	318	206	198	251	259	260
37	22	23	23	12	15	21	15	15	19	14	23	17
10	11	4	12	7	20	20	16	23	4	26	10	10
28	26	21	18	23	26	8	29	35	12	16	20	29
40	23	27	29	14	39	28	42	45	27	25	23	44
22	15	15	17	39	29	38	26	31	21	43	31	29
10	9	11	9	8	16	18	20	14	15	11	8	11
11	9	9	7	7	9	12	8	15	6	12	7	9
11	10	12	19	7	18	20	21	17	11	12	10	15
2	6	2	1	2	3	3	6	2	2	5	3	3
11	12	5	17	6	20	16	14	23	9	12	11	8
24	16	13	22	24	13	16	19	16	10	24	25	17
			522	606	298	282	356	422	507	676	840	771
907	**809**	**713**	**1174**	**1177**	**1010**	**948**	**1087**	**1013**	**942**	**1295**	**1406**	**1400**

Table II

Categories of Complaints — 1986-1989

Provincial

	1986	1987	1988	1989
Advanced Education and Job Training*	1	5	8	11
Agriculture and Marketing	3	5	1	1
Attorney General	11	15	16	15
Children's Aid Society		9	6	7
Civil Service Commision	2		4	1
Community Services**	45	56	54	43
Consumer Affairs	11	18	7	16
Courts of Law	17	33	25	22
Crown Corporations (Provincial)	1	1	1	1
Drug Dependency, N.S. Commission on	2	3		1
Education	9	11	9	9
Emergency Measures Organization	1			
Environment	3	3	4	5
Finance	7	6	5	8
Fisheries	1	2	1	1
Government Services			1	
Health & Fitness	9	4	8	10
Health Services and Insurance	4	4		3
Horse Racing Commission			1	
Housing	8	9	12	14
Human Rights Commission	1	2	2	1
Industry Trade & Technology***	3	1		1
Labour & Manpower	4	7	7	10
Lands and Forests	5	4	9	17
Legal Aid, Province of N.S.	4	3	1	7
Liquor Commission, N.S.	1	1		5
Liquor License Board, N.S.	2			
Members, Legislative Assembly				2
Mines and Energy	1	3	1	1
Municipal Affairs	1	1	2	1
Municipal Board, N.S.				1
Police Commission	1	1		
Power Corporation, N.S.	9	11	11	16
Provincial Boards			1	1
Provincial Hospitals	7	15	13	12
Public Utilities, Bd. of Commissioners		1	3	2
Purchasing Agency, N.S. Government	1			
Schools Boards	4	12	11	13
Securities, Registrar of				5
Small Business Development			1	3
Solicitor General				13
Tourism and Culture****	4	5	1	2
Transportation & Communications	26	42	43	38
Workers' Compensation Board	27	39	76	63
Workers' Compensation Appeal Board	3	4	3	1
Total	**239**	**336**	**348**	**383**

		1986	1987	1988	1989
Municipal	General	21	24	10	12
	Housing Authority		7	10	6
	Planning and Development	11	17	20	25
	Police	5	6	4	6
	Social Services	38	32	37	57
	Taxation	4	4	4	5
	Works and Engineering	4	7	8	10
	Total	**83**	**97**	**93**	**121**
Federal	Employment & Immigration	8	9	14	3
	Fisheries and Oceans	2	6	1	2
	Health & Welfare	9	12	10	13
	National Defence	2	3	2	4
	National Revenue	4	5	2	2
	Other	17	29	17	22
	Veterans Affairs	1	7	2	
	Total	**43**	**71**	**48**	**46**
Private Matters	Consumer	6	12	15	10
	Insurance Companies	4	13	4	8
	Landlord/Tenant	5	3	4	5
	Legal	11	15	2	7
	Miscellaneous	29	61	37	44
	Property Disputes	9	7	9	1
	Social Problems	6	5	6	4
	Total	**70**	**116**	**77**	**79**
Complaint Totals	Formal Complaints	435	620	566	629
	Informal Complaints (all categories)	507	676	840	771
	TOTAL	**942**	**1296**	**1406**	**1400**

* Formerly Department of Vocational and Technical Training
** Formerly Department of Social Services
*** Formerly Department of Development
**** Formerly Department of Culture, Recreation and Fitness

Examples of complaints

The following selection of cases completed within the 1989 calendar year illustrates the kinds of problems that result in complaints to our office.

Victims of Principal

The Principal Group was a maze of over a dozen interconnected companies based in Alberta and consisting of a trust company, several mutual funds, real estate, mortgage securities, management services, tax services, and a variety of other enterprises. The conglomeration was almost wholly owned by one individual, Donald M. Cormie. Two of the companies, First Investors Corporation (FIC) and Associated Investors Corporation (AIC), sold investment contracts. They were the cornerstones of the group and a major source of revenue for the other companies.

Investment contracts sold by FIC were virtually indistinguishable in the public mind from term deposits offered by banks and from guaranteed investment certificates issued by trust companies. They provided for a fixed rate of interest, usually low, and additional interest to be paid at the discretion of the seller during the life of the contract. However, since neither FIC nor AIC were members of the Canada Deposit Insurance Corporation, they were not insured against loss. Instead the companies were required, under the Investment Contract Act of Alberta, to maintain assets on deposit sufficient to meet their obligations to contract holders. By the 1980s they were not in full compliance of that Act.

When real estate values in Alberta were exceptionally high, FIC and AIC invested heavily in property. When values fell sharply in the 1980s, they became burdened with mortgages worth only a fraction of the original purchase. The companies were insolvent. Nevertheless, salesmen were instructed at the time to assure clients that their investments were fully covered.

Regulators in Alberta were aware of the situation as early as 1984, but the FIC and AIC were allowed to remain in business until June 1987 when the Government of Alberta finally revoked their licences. An investigation in Alberta into the collapse of Principal concluded that both Principal management and the provincial government were to blame, that the companies had acted fraudulently, and that the government had permit-

ted them to operate when there was clear evidence that they were in trouble. On receiving the report of this inquiry, the Government of Alberta accepted responsibility and offered to compensate investors up to a total of 75 per cent of their investment on condition that additional compensation from other provinces would be pooled and shared equally by all investors. The Government of British Columbia, where another major investigation had been conducted, also agreed to compensate investors and to participate in a pooling arrangement with Alberta.

When the Principal Group collapsed there were 67,000 individuals across Canada who held a total of nearly $500 million in investment contracts. These included nearly 6,000 Nova Scotians with over $27 million in FIC certificates. They were the largest single group outside Alberta, British Columbia and Saskatchewan. Like investors elsewhere, they were mostly people of modest means, many of them senior citizens, who had been assured that the contracts were a safe investment providing secure retirement income.

In September 1989 our office received a formal complaint from the "Victims of Principal," an organization acting on behalf of Nova Scotians whose investments were endangered by the Principal collapse. They blamed the Government of Nova Scotia in part for their loss, and claimed that they should receive some compensation. When the government declined to accept responsibility, they then proceeded with an appeal to the Ombudsman.

The investigation of the administration of securities legislation as it related specifically to the sale of investment contracts by FIC in Nova Scotia, involved an examination of all relevant provincial statutes and regulations, contacts with officials responsible for securities administration, a review of reports of investigations elsewhere, meetings with ombudsmen and investigators in other provinces, consultations with legal counsel in Nova Scotia and Alberta, and such other inquiries as were considered proper and advisable.

This investigation led to the conclusion that the Government of Nova Scotia was morally and legally responsible for some of the loss suffered by residents who purchased investment contracts issued by FIC. It also concluded that the Securities Act of Nova Scotia was clearly unsuitable for the registration of investment contracts and that the responsibility for loss which might be attributed to regulators in this province was less than would be the case where specific legislation existed in the form of Investment Contract Acts.

On the basis of these conclusions, we recommended to the Attorney General that the government offer compensation to holders of FIC

investment contracts issued in Nova Scotia. We further recommended that the government endeavour to persuade the Government of Alberta that Nova Scotia be exempt from any pooling arrangement.

Within several days of receiving the report, the Premier announced that it had been considered by Cabinet and that the government would proceed to act on the recommendations.

Copies of the report (*Report of the Office of the Ombudsman In the Matter of the Regulation of First Investors Corporation Ltd.*, Halifax, February 1990, 144 pp.) are available and may be obtained from our office. A summary of the conclusions and recommendations contained in the report will be found in Appendix B, p. 90.

Teamwork pays off

The boy had difficulty learning at school. Later diagnosed as being dyslexic, he had low self-esteem and could not get along with children his own age. Then he ran afoul of the law and served a prison term. While in prison he was difficult to deal with and more than once tried to escape. After his release he returned home.

When his mother asked for our help, she said that her son, now 17, had been at home for a year and was emotionally stable for the first time in years. She was anxious that he get an education that would allow him to start a new life. But all her dealings with principals, school boards and government departments had been fruitless.

We agreed to make some inquiries on her behalf. After many long telephone conversations with social workers, educational consultants, and probation officers, we realized that finding any kind of satisfactory education program for this young man was going to be extremely difficult.

We finally wrote to the deputy ministers of the departments of Community Services, Education, and Advanced Education and Job Training. We described the problem and asked if there was anything that they could do.

Staff of the three departments worked together on the case and in the end designed a special program for the young man at a vocational centre in his community. The program included comprehensive basic skills training and the services of a tutor who had experience in helping people with learning disabilities. On completion of the special course, the young man would begin regular classes at the vocational centre, with the long-term goal of joining an on-the-job training program offered through voca-

tional rehabilitation services.

The staff of the three departments spent a great deal of time on this case. We were most impressed by their appreciation of the mother's dilemma and their concern for the young man's welfare.

Help for home repair

The complainant's only income was a provincial disability pension. She needed all of it merely to cover her basic living expenses. When her mobile home was badly in need of repairs — they would cost $7,500 — she applied for assistance to the local housing authority affiliated with the Canada Mortgage and Housing Corporation. She was offered a forgiveable loan of $5,000 on condition that she pay the extra $2,500 needed to complete the job. She did not have the money. Could we help her with the problem?

We explained the situation to the Deputy Minister of the Department of Housing, emphasizing the woman's low income. A day later the deputy minister told us that every effort would be made to help and that he had asked his regional office staff to look into the matter.

Shortly afterwards the deputy minister informed us that the complainant could apply for help under the Small Loans Assistance Program. She did so and her problem was solved.

Just a matter of paperwork

The couple were in poor health. The husband suffered from a chronic spinal problem. His wife had lung disease and diabetes. Neither was able to work. Their mortgage had not been paid, they had to get municipal assistance to buy drugs, and they were forced to borrow from family and friends just to survive.

When their unemployment benefits ran out, the couple applied to the Department of Community Services for disability pensions. After some delay, they were told that there could be no benefits.

The husband had been a laborer but had to stop working at the age of 51. His wife had difficulty doing even light housework. Their only income when they applied for disability pensions was the wife's Canada Pension of $454 a month.

The couple were at their wit's end when the wife contacted our office. We told her they could appeal the decision of the department, but we sensed

that she was emotionally and physically drained, so we agreed to make some inquiries on her behalf.

The Community Services worker who had been assigned to their case explained that medical reports had been either lost or were illegible, and that the applications had been denied because there was simply not enough documentation to confirm their disabilities.

We contacted their doctor, emphasized the urgency and asked him to send a detailed report to the Community Services appeal board. We then composed letters of appeal for the couple to sign.

A few days later they telephoned us, very excited and very grateful, to say that both appeals had been successful and that they were about to receive their pensions.

A tale of two school boards

School Board A and School Board B agreed that a mother who lived in one district could enrol her son in the other. But because school boards are responsible only for the education of students who live within their own boundaries, the mother would have to pay School Board A the tuition fee of $2,500 so that it in turn could pay School Board B. The problem was that School Board B wanted the fee in advance. The mother did not have the whole amount readily at hand and offered instead to pay in monthly instalments.

The Superintendent of Board A balked. He acknowledged the mother's need to send her son to the school in the district where she worked and where there was a day-care centre for both her son and two-year-old daughter, but he did not want to establish a precedent by changing the way tuition fees were paid.

The complainant asked for our help after she had made unsuccessful appeals elsewhere.

Our office arranged for the complainant and Superintendent of School Board A to meet and discuss whether the board might allow the mother to pay by instalments. At the meeting she explained that she was a single parent, working very hard to provide the best possible life for her children. The superintendent listened sympathetically and finally agreed that she could pay $250 a month. At the same time he made it clear that if she missed one payment, her son would be withdrawn from the school.

The mother accepted the proposal and assured the superintendent that payments would be made on time.

Following the rules

A young woman contacted our office to complain about the hiring practices at a village museum. A position had been advertised and she had applied, along with three others. None of the four applicants was interviewed before the result was announced. In the opinion of the complainant, the successful candidate was clearly not qualified for the job and the whole process had been unfair to the other applicants.

We first wrote to the project director, asking for a description of appointment procedures and a copy of their hiring by-law. A review of the1986 by-law revealed that the process required that there be a short list of candidates who were then to be interviewed. In this case, only one name, that of the successful applicant, had appeared on the short list.

A number of local museums in the province come under the general supervision of the Nova Scotia Museum, which in turn comes under the Minister of Education, so we brought the matter to the attention of the Deputy Minister of Education. We enclosed a copy of the by-laws and pointed out that the museum seemed to be in violation of its own rules when it failed to hold interviews.

In due course the deputy minister reported that he had asked the Director of Education Resource Services to discuss the matter with the local commission which was directly responsible for the operation of the museum in question. He discovered that the commission had neglected to obtain approval of its 1986 by-laws from the board of governors of the Nova Scotia Museum.

The chairman of the commission later explained to our investigator that the commission had deliberately followed procedures in the 1972 by-law which did not require interviews, but it was not entirely clear why they should have chosen to do so.

We advised the commission that, in our opinion, the procedures had been irregular and most unfair to the complainant and to the other candidates. We recommended that the commission abandon any reference to the 1972 hiring by-law; that it seek approval from the board of governors of the Nova Scotia Museum for the 1986 by-law requiring that candidates be interviewed; that the commission write to the complainant explaining why interviews had not been held; and, finally, that the complainant be considered without prejudice for any suitable position that might develop in the future.

The commission considered these recommendations and reported to us that it would review its by-laws and seek approval by the board of governors of the Nova Scotia Museum.

The resolution of this case was less than satisfactory because we did not assist the complainant to the extent we or she would have liked. But we believe that our intervention will ensure that in the future people will be treated fairly when they apply for jobs in this museum.

The landlady and her lodger

In return for room and board the young man did odd jobs around the house for his landlady, a widow. He had been working in the woods before he was forced to give up his job because of a back injury (he had been in an automobile accident when he was a child). He applied for social assistance from the municipality until he could find another job.

The official in charge of welfare at the municipal office took a look at his application form and said it was incomplete because it did not include details of the widow's income. He claimed that the young man and the widow were living in common law and refused to process the application until her financial status was revealed.

When the widow heard what had happened, she was furious. She went to the municipal office, confronted the official and denied she was living in common law with her lodger. Her income, she declared, had nothing to do with any assistance that he might be entitled to.

The official did not budge. "Everyone knows you are living in common law," he is reported to have said, and again refused to process the application. The widow, shocked by his attitude, complained to her MLA, who advised her to write to the county council and complain about the official's behaviour.

She did so and was told by the chief administrative officer of the county that the official had been right to ask for details of her income.

The widow then phoned us for help. First, she wanted to know if there were any other sources of assistance for which the young man might apply. Second, she wanted an investigation of the way she had been treated by the municipal official.

The prospect for an alternative source of assistance was not promising. The lodger was not eligible for Workers' Compensation Board benefits because his disability was not related to his work. He was not entitled to apply for a disability pension because he had not made the required number of contributions to the Canada Pension Plan. He was not eligible to receive unemployment insurance benefits because he had not worked long enough to qualify. He had been assessed at the local Canada Employment Centre but was found to have less than a Grade 8 education

and therefore he did not qualify for federal assistance. However, a counsellor at the centre did suggest that he contact the provincial Department of Community Services and enquire about its retraining programs.

We wrote to the Deputy Minister of Community Services to ask about the possibility of assistance for the young man. At the same time, we asked that the performance of the county official be reviewed. The deputy minister said that he would look into both matters.

A few days later the deputy minister advised us that his staff in the area had assessed the young man and had determined that he had considerable potential to benefit from a vocational rehabilitation program. Steps were being taken to see that he was enrolled.

The deputy minister also reported that the decision to deny him assistance had been reviewed by a family benefits officer, who had ruled that he did qualify for assistance and that this would be forthcoming shortly.

The municipal bureaucrat had been overruled. He was not fired (as some local residents had suggested), but we assume that he realizes that his behaviour has been noted. Perhaps his attitude will change.

Too old to be a student?

The applicant wanted to study graphic arts and design at the local vocational school. In four successive years, she had applied for admission to the program. Each year her application had been rejected. She was told the main reason was that she was too old — she was over 21. Should age be a determining factor? she asked. We wondered about that, too.

Admission policy at this particular school was the responsibility of the school board. The superintendent of schools told us that several factors were normally taken into account when applications were considered. He did not deny that age was one of these factors and, indeed, admitted that the school board preferred "younger" students over "mature" applicants.

He also explained that this particular program had a limited enrolment: only four out of the 38 who applied in 1988 were accepted.

We obtained a copy of the board's admission policy as it applied to the vocational school and saw that it stated: "...students from our regular high schools under 21 years of age would be admitted before students 21 years or over."

We recommended to the school authorities that reference to age be eliminated from the statement of admission policy because it appeared

to be discriminatory and was probably not consistent with the Charter of Rights and Freedoms.

The school board accepted our recommendation and shortly afterwards the complainant was advised that she had been accepted into the program.

The questions were wrong

Since 1976 the certification of stationary engineers in Nova Scotia has been based on a provincial examination designed to meet national standards.

The complainant was a stationary engineer at a Nova Scotia Power Corporation generating station who wanted to upgrade his credentials, and had recently written the examination for his first-class certificate. He and two other candidates were dismayed to learn that they had failed. They felt that the examination had not been fair and that they deserved to pass.

A friend who was a fully qualified engineer at the same plant had helped the complainant to prepare for the test and was puzzled by the results. He looked at the examination papers and concluded that one question was simply wrong and that three others failed to provide enough information to form the basis for a reasonable answer. In his opinion the problem was with the questions, not the answers.

The complainant's mentor took the matter up with the Department of Labour and was told that candidates' papers had been destroyed 30 days after the examination as a matter of routine. There was no way to determine whether he was right or not.

This unsatisfactory response prompted the complainant to approach our office in order to find some means of redress.

We contacted the Deputy Minister of Labour, who explained that the Board of Stationary Engineers had reviewed the examination questions carefully and had agreed that one question was flawed. All candidates were to be given full marks for that particular question whether or not they had attempted to answer it. However, even with the addition of full marks for that one question, the complainant had still not achieved a passing grade. He was advised by the board to write the examination again at a time convenient to him. As far as the board was concerned, the matter was closed: it had considered the complaint, amended the marks, confirmed the results, the papers had been destroyed, and the complainant was being allowed to take the examination again at a time of his choice.

The complainant was still not satisfied. He argued that there remained the matter of the three questions which he felt could not be answered properly because they did not contain enough information.

We returned to the deputy minister and were advised that the whole issue would probably be resolved in the near future because the Minister of Labour had intervened. When the matter had been brought to his attention, the minister had been concerned that the candidates' examination papers had been destroyed before a query regarding the results had been finally settled. He felt that it was only fair that the students be given the benefit of the doubt. Accordingly, he recommended to the board that the three unsuccessful candidates be awarded full marks for the three questions.

We were told later that this had been done and that they had received their certificates.

The root of the problem

The complainant was sure that the persistent problems with a sewer line were caused by the roots of a willow tree growing in front of his aunt's house. The tree was on city property and the aunt wanted it cut down. The city refused.

It appears that there had been trouble with the sewer for years. It had backed up and flooded the basement three times in the past few months alone. During the summer, a special piece of equipment had to be used twice a day to prevent blockage and backup. On one occasion the owner had to pay more than $250 to have a contractor clear the line; within three weeks it had backed up and flooded the basement again.

We were also told that even though there was no question that the tree was the culprit and that it was on city property, the city insisted that repair of the sewer line was the owner's responsibility. Moreover, the city added, if she did repair the line, she must take special care to see that the tree roots were not damaged.

Repair of the sewer was going to be extremely expensive for the property owner. It would mean replacing three curbs and two sidewalk blocks, resurfacing the street, restoring the grass, and hiring two flagmen to control the flow of traffic for three days while the work was going on.

The complainant maintained that the nuisance had been caused by the city in the first place when it allowed the roots of the tree to interfere with the sewer line. If the city's tree were somewhere else, the property owner would not have had a problem. Therefore, the complainant said, the city

should pay.

Members of the city's engineering and legal departments had discussed the matter with the mayor. The city's position was that if it had to pay for repair of this sewer, then it would have to do the same for others who might have similar problems with trees. The city did not want to set a precedent.

We contacted the city manager, who promised to discuss the matter with his staff. Shortly afterwards he phoned to say that they acknowledged that the tree was the cause of the problem. About a month later we were informed that the city had adopted a new policy in regard to sewer line repair which would allow its staff to co-operate with the property owner to find a solution to her problem.

In due course, the sewer was repaired at city expense and without damage to the roots. The tree lives on.

Summary of Complaints

The following list contains the name of the government department or agency against which a complaint was made in 1989, the case number, a brief description of the complaint, and whether the Office of the Ombudsman was able to give assistance.

Advanced Education and Job Training		
2-1	Continual breakdown of communication between student aid office and student; also alleges that department hides behind policies so it does not have to make a decision.	Assistance rendered
2-2	Concerned that his school's licence might not be renewed.	Unsupported
2-3	Disagrees with new policies being recommended by department regarding graduation certificates; no reply to her proposals.	Assistance rendered
2-4	Complains that pay parity for instructors and teachers in different unions has not been achieved as promised.	Assistance rendered
2-5	Complaint that the department is acting unfairly by not granting him his graduation certificate.	Assistance rendered
2-6	Assistance sought in locating the proper authorities who could help in the education of her 17-year-old dyslexic son.	Assistance rendered
2-7	Woman believes she was unjustly terminated from a probationary position with the department.	Under investigation
2-8	Complains journeyman licence has been revoked.	Assistance rendered
2-9	Complains that lack of communication between an institute and Canada Manpower led to financial hardship for student.	Assistance rendered
2-10	Difficulties obtaining approval for student loan because of past record involving bankruptcy.	Assistance rendered

	2-11	Complaint about refusal for student loan	Assistance rendered
Agriculture and Marketing	4-1	Alleges he is no longer permitted to work for the Emergency Measures Organization.	Unsupported
Attorney General	6-1	Complaint about lack of response to letter of complaint.	Assistance rendered
	6-2	Complaint about receiving "run-around" from the Registry of Joint Stock Companies.	Assistance rendered
	6-3	Alleged procrastination on the part of the Attorney General.	Resolved
	6-4	Complaint that Criminal Injuries Compensation Board took an unduly long time to determine whether he qualified for compensation.	Discontinued by client
	6-5	Alleges he has been denied an application to file a complaint against the chairman of the Criminal Injuries Compensation Board.	Assistance rendered
	6-6	Elderly lady concerned about her qualification for compensation; she suffered trauma as a result of a robbery by escaped prisoners and must now relocate her home.	Assistance rendered
	6-7	Grievance against the Sunday (stores) closing law.	Assistance rendered
	6-8	Several complaints against various government departments, including the Department of the Attorney General.	Assistance rendered
	6-9	Complaint about misleading information on search warrant.	Assistance rendered
	6-10	Report requested under the Freedom of Information Act not yet received.	Assistance rendered
	6-11	Disagrees with decision that denies claim for compensation.	Assistance rendered
	6-12	Believes he is entitled to compensation from the Criminal Injuries Compensation Board.	Assistance rendered

	6-13	Inquiry about Remembrance Day closing law.	Assistance rendered
	6-14	Believes he is entitled to compensation from the Criminal Injuries Compensation Board.	Assistance rendered
	6-15	Complaint about denial of request for medical report.	Under investigation
Children's Aid Society	12-1	Distressed mother wants Children's Aid Society to apprehend teenage daughter who is continually running away from home.	Assistance rendered
	12-2	Wants Society to investigate an alleged case of child neglect.	Assistance rendered
	12-3	Allegation that Society file contains incorrect and misleading information.	Discontinued by client
	12-4	Concerned about length of time it is taking to make a decision on custody of children.	Assistance rendered
	12-5	Dispute with Society regarding apprehension of child.	Assistance rendered
	12-6	Allegation that children were unjustly apprehended by Society.	Under investigation
	12-7	Complaint by woman about denial of access to her two grandchildren during Christmas holidays.	Discontinued by Ombudsman
Civil Service Commision	14-1	Believes she is not being considered for employment opportunities within the Civil Service Commission.	Assistance rendered
Community Services	16-1	Complains that she has been given two different explanations for the termination of her benefits.	Assistance rendered
	16-2	Allegation that letter from the department contains wrong information.	Resolved

16-3	Concerned about termination of family benefits because of inheritance.	Discontinued by Ombudsman
16-4	Dispute with Family Court and benefits.	Resolved
16-5	Concerned his disability pension might be terminated.	Unsupported
16-6	Complaint about actions of a child protection worker.	Unsupported
16-7	Complaint about woman's situation involving subsidized day care.	Unsupported
16-8	Complaint that her assistance has been reduced because she found employment.	Assistance rendered.
16-9	Believes $200 income received for rental of apartment should not result in reduction of family benefits.	Assistance rendered
16-10	Complainant upset that he does not qualify for financial assistance.	Assistance rendered
16-11	Complainant believes his social worker is not treating him fairly.	Assistance rendered
16-12	Former recipient of family benefits not sure whether she must pay income tax on disability pension income.	Assistance rendered
16-13	Woman alleged she was given inaccurate information about why she was not rehired for a family benefits project.	Assistance rendered
16-14	Allegation that the department withheld positive information in a court hearing.	Assistance rendered
16-15	Complainant having difficulties receiving assistance for 16-year-old son.	Assistance rendered
16-16	Complaint that apprehension of child in need of protection was delayed because of improper investigation and inadequate documentation.	Assistance rendered
16-17	Complainant believes that waiting period before entering a special home is too long.	Discontinued by Ombudsman
16-18	Several inquiries about amount of assistance to be expected and request for reimbursement for mortgage.	Assistance rendered

16-19	Woman told she will not receive her two assistance cheques until she provides Family Benefits office with a copy of birth certificate.	Resolved
16-20	Complaint that department is not doing anything to help a young runaway.	Assistance rendered
16-21	Complainant believes he is entitled to disability assistance.	Resolved
16-22	Complainant alleges his child was put up for adoption without his consent.	Unsupported
16-23	Department refused to grant assistance and would like help in appealing against the decision.	Resolved
16-24	Man alleges his disabled wife was denied assistance and that they cannot make ends meet on his small disability pension.	Assistance rendered
16-25	Dissatisfaction with advice provided by social worker.	Assistance rendered
16-26	Inquiry about receiving vocational training from the department.	Assistance rendered
16-27	Difficulty in obtaining information on the Provincial Tax Rebate program for seniors.	Resolved
16-28	Not sure if repairs to her home will be completed as promised by the department.	Assistance rendered
16-29	Man believes wife was illegally apprehended by officials of the department.	Assistance rendered
16-30	Request for help in determining if they will be paid by the department for caring for two elderly men.	Assistance rendered
16-31	Complaint that job offer did not materialize as promised.	Resolved
16-32	Complainant does not think that family benefits should have been reduced.	Assistance rendered
16-33	Woman alleges that prescription card should not have been returned to the department; says she needs help to pay for drugs.	Assistance rendered
16-34	Plea for additional assistance to help pay for special food for children.	Assistance rendered

16-35	Complainant says his benefits have been unjustly reduced.	Assistance rendered
16-36	Complaint that their budget does not include enough funds for heating costs.	Unsupported
16-37	Judge released from position complains about pension entitlement.	Unsupported
16-38	Woman trying to locate her birth parents.	Assistance rendered
16-39	Concern about lack of supervision over children at day-care centre.	Assistance rendered
16-40	Man claims his child has been made a ward of the Children's Aid Society, yet maintenance payments are still being deducted from his pay cheques.	Assistance rendered
16-41	Complainant alleges that Family and Children's Services did not act properly in the adoption of her two sons.	Under investigation
16-42	Complaint about insufficient benefits.	Unsupported
16-43	Dissatisfaction with amount of assistance he is receiving from Family Benefits.	Assistance rendered

Consumer Affairs

18-1	Complaint that her apartment is inadequately maintained and the Residential Tenancies Board has not been able to help.	Assistance rendered
18-2	Landlord has not followed up on promised repairs.	Assistance rendered
18-3	Alleged delays within Residential Tenancies Board causing many problems.	Assistance rendered
18-4	Landlord alleges a Tenancies Board employee gave him incorrect information which led to his losing a Tenancies Board hearing.	Discontinued by client
18-5	Alleges he was not given a fair hearing before the Tenancies Board.	Assistance rendered
18-6	Alleges unfair ruling by Tenancies Board regarding property damage by tenant; complains about unnecessary delay for hearing by board.	Declined

18-7	Not pleased with a Tenancies Board ruling.	Unsupported
18-8	Disturbed about the number of times his hearing had been rescheduled by the Tenancies Board.	Discontinued by Ombudsman
18-9	Allegation that Debtor Assistance is responsible for her having to declare personal bankruptcy.	Unsupported
18-10	Request for assistance regarding the Condominium Property Act.	Assistance rendered
18-11	Allegation that Tenancies Board has not done anything to help him regarding landlord who will not maintain building.	Discontinued by Ombudsman
18-12	Alleges that consumer counsellor did not provide information or make proper enquiries regarding poor quality work done on vehicle.	Resolved
18-13	Dissatisfied with decision by Tenancies Board regarding termination of lease and other matters.	Assistance rendered
18-14	Insurance licence has been suspended	Unsupported
18-15	Complaint that he received little or no notice from Tenancies Board regarding hearings.	Assistance rendered
18-16	Complaint that he had been refused a direct seller's licence because of his criminal record.	Under investigation

Courts of Law

20-1	Difficulty accepting decision of court in favor of common-law wife.	Assistance rendered
20-2	Complaint that length of time to be served in correctional centre had been calculated incorrectly.	Discontinued by Ombudsman
20-3	Wants a pardon for offences committed in Ontario.	Assistance rendered
20-4	Believes he was treated unfairly by a family court judge.	Assistance rendered
20-5	Alleges he did not receive a fair hearing from a family court judge.	Assistance rendered

20-6	Complaint against Family Court about the handling of her divorce and the enforcement of her maintenance payments.	Resolved
20-7	Complaint about length of time to have case heard in court; wants earlier hearing.	Declined
20-8	Not pleased with the court's decision regarding placement of her daughter.	Assistance rendered
20-9	Disagrees with court's decision regarding an alimony payment.	Declined
20-10	Request for information about filing a non-access order against husband.	Discontinued by Ombudsman
20-11	Believes he was improperly found guilty of an offence under the Criminal Code.	Discontinued by Ombudsman
20-12	Alleges he was not given a fair hearing in a court of law.	Assistance rendered
20-13	Complaint that son who lives in Ontario must serve additional nine months in Nova Scotia jail because of appeal by the Crown; son willing to serve time in Ontario.	Assistance rendered
20-14	Convicted pedophile alleges that social services worker acted in bad faith, resulting in an unfair trial.	Declined
20-15	Alleges officers of the court did not submit report as requested.	Discontinued by client
20-16	Alleges a decision of the Small Claims Court was prejudiced.	Assistance rendered
20-17	Dispute with private company about ownership of a piece of land.	Discontinued by Ombudsman
20-18	Believes officers of the Family Court failed to help her have her maintenance order enforced.	Discontinued by Ombudsman
20-19	Complaint about the court system in another province.	Declined
20-20	Court matters relating to custody and maintenance payments of son.	Under investigation
20-21	Allegations against police force and a Crown Prosecutor.	Assistance rendered

	20-22	Allegations of perjury regarding his divorce court case.	Under investigation
Crown Corporations (Provincial)	22-1	Complaint involving employer and outstanding pension monies.	Unsupported
Nova Scotia Commission on Drug Dependency	24-1	Alleges drug rehabilitation counsellor would not supply Registry of Motor Vehicles with information required to have licence reinstated.	Discontinued by client
Education	26-1	Several concerns regarding amount of loan granted.	Assistance rendered
	26-2	Complaint about hiring practices of officials in program funded through Department of Education.	Recommendation made
	26-3	Concerned about rezoning and closing of schools.	Assistance rendered
	26-4	Alleges she was given incorrect information regarding an adequate education.	Discontinued by Ombudsman
	26-6	Student attending university in Nova Scotia having difficulties regarding bursary and student loan from Quebec government.	Assistance rendered
	26-7	Non-resident concerned about eligibility to apply for a position with the Nova Scotia Museum.	Assistance rendered
	26-8	Casual employee believes he was eligible to become permanent employee of the government.	Unsupported
	26-9	Alleges he was continually overlooked for positions at a Nova Scotia museum.	Under investigation
Environment	28-1	Complaint that department has not properly responded to her complaints about flooding on her property caused by her neighbor.	Assistance rendered

	28-2	Complainant believes the department should assume financial responsibility for fire damages to her home.	Discontinued by Ombudsman
	28-3	Complaint regarding dredging of a marsh near her property.	Under investigation
	28-4	Inquiry about licensing and responsibilities of well drillers.	Assistance rendered
	28-5	Allegation concerning unfair hiring practices.	Assistance rendered
Federal Government, Employment & Immigration	30-1	Alleges he had been on waiting list for retraining course for over two years.	Assistance rendered
	30-2	Complaint that she took a Personal Care Workers' course but was not permitted to write the final exam and therefore does not have a certificate.	Assistance rendered
	30-3	Alleges his employer gave false unemployment information; Employment and Immigration not responding to inquiries about the false information.	Assistance rendered
Federal Government, Fisheries and Oceans	32-1	Complaint about issue of a fishing licence.	Assistance rendered
	32-2	Inquiry about his lobster licence status.	Declined
Federal Government, Health & Welfare	34-1	Alleges she waited 10 months for letter which stated, for income tax purposes, that child was in her care and custody.	Assistance rendered
	34-2	Due to similarities in names, erroneous information had been placed in her file; department would not admit source of error and she questioned level of confidentiality displayed by staff.	Discontinued by client
	34-3	Assistance sought to determine why he was not eligible for Canada Pension Plan benefits.	Assistance rendered

34-4	Complaint relating to decision by Canada Pension office to refuse disability pension.	Assistance rendered
34-5	Claims she is entitled to half of her husband's Canada Pension monies.	Assistance rendered
34-6	Complainant denied pension under Supplementary Optional Retirement Plan established by federal government, but he believed others who did not meet the criteria had qualified for this pension.	Assistance rendered
34-7	Has not received Old Age Security cheques for June and July and spouse's cheques had been sent to wrong address.	Resolved
34-8	Does not understand why she has not received Old Age Supplement this year.	Assistance rendered
34-9	Recently approved for Canada Pension benefits but believes benefits should be retroactive.	Declined
34-10	Difficulty obtaining information on his claim for a disability pension from Canada Pension.	Assistance rendered
34-11	Wants to know if he is eligible for a spouse allowance.	Under investigation
34-12	Having difficulties obtaining assistance from Health and Welfare's Canada Pension Plan.	Resolved
34-13	Having difficulties obtaining a Canada Pension that has already been approved for him.	Under investigation

Federal Government, National Defence

36-1	Alleges he was unjustly released from the Armed Forces.	Assistance rendered
36-2	Difficulty receiving maintenance payments from husband who is a member of the Armed Forces.	Assistance rendered
36-3	Dispute with a private employer and a union.	Declined
36-4	Believes policies used by the personnel department of the Department of National Defence need to be changed.	Under investigation

Federal Government, National Revenue	38-1	Does not agree with amount he was advised he owes Revenue Canada.	Assistance rendered
	38-2	Complaint that the amount planned for garnishment by Revenue Canada is excessive.	Assistance rendered
Federal Government, Other	40-1	Ongoing dispute with Canada Post about a job.	Discontinued by Ombudsman
	40-2	Not approved for a federal government grant.	Assistance rendered
	40-3	Having difficulties with her record of mortgage payments with CMHC.	Assistance rendered
	40-4	Dispute concerning his pension entitlement.	Assistance rendered
	40-5	Dispute with Canada Post concerning postal rates.	Assistance rendered
	40-6	Complaint about delay in receiving her passport.	Declined
	40-7	Truck confiscated and not returned after claimant was charged with possession of moonshine.	Assistance rendered
	40-8	Complaint that staff with Student Loans Program, Department of Secretary of State, took 11 months to approve extension of interest-free status for loan.	Assistance rendered
	40-9	Disagreement concerning pension entitlement.	Declined
	40-10	Alleges lack of medical attention in the institution where he is incarcerated.	Assistance rendered
	40-11	Alleges he has had no response regarding application to courts for pardon.	Discontinued by client
	40-12	Assistance sought in locating a grant program which would enable repairs to be made to her home.	Resolved
	40-13	Complaint that letters to student loan director concerning application for interest relief program have not been acknowledged.	Assistance rendered
	40-14	Has been told he will not receive a student loan until he provides a document that verifies that he did not use the loan that he was granted in 1975.	Assistance rendered

40-15	Dispute about length of time RCMP took to issue a pardon.	Assistance rendered
40-16	Information sought from federal government to find out if she is eligible for reinstatement of her pension.	Discontinued by Ombudsman
40-17	Concerned about lack of support and potential dismantling of a therapeutic community program at correctional facility.	Under investigation
40-18	Claims that her husband, who is in prison, is concerned for his safety.	Assistance rendered
40-19	Dismissed from the longshoremen's association, alleges he was not given a hearing.	Unsupported
40-20	Alleges that a criminal matter was not investigated fully; wants to know what options are available to him.	Under investigation
40-21	Questions his term in a federal penitentiary.	Assistance rendered
40-22	Would like information on possible UFFI removal assistance programs.	Assistance rendered

Finance

44-1	Disagrees with legislation requiring she deposit pension contributions retroactive to January 1, 1988, into a locked-in retirement plan.	Discontinued by Ombudsman
44-2	Complaint about the Tax Commissioner closing business.	Discontinued by Ombudsman
44-3	Dispute about the amount of tax owed on a truck.	Resolved
44-4	Alleges he did not receive separation slip.	Resolved
44-5	Dispute with the Tax Commission about the sales tax on a car he bought in Manitoba.	Discontinued by Ombudsman
44-6	Having difficulty qualifying for a pension.	Discontinued by client
44-7	Inquiry about federal freight tax and provincial sales tax.	Assistance rendered
44-8	Would like an investigation into the loss of his investments in a Manitoba company.	Assistance rendered

Fisheries	46-1	Wants to know if her husband could avoid going to court on a violation of the Fisheries Act.	Assistance rendered
Department of Health & Fitness	50-1	Does not think he should have to pay a fee to have his name corrected on birth certificate.	Discontinued by Ombudsman
	50-2	Does not agree with appraisal about his performance.	Discontinued by Ombudsman
	50-3	Would like a copy of a medical inquiry transcript.	Resolved
	50-4	Believes the department should assume full financial responsibility for his faulty septic system.	Assistance rendered
	50-5	Complaint about lack of effort to clean up polluted river.	Assistance rendered
	50-6	Alleges unfair hiring practices were used by the department.	Assistance rendered
	50-7	Complaint that the government is taking an unduly long time in acknowledging an illness termed "Environmental Illness."	Under investigation
	50-8	Alleges that the department should be responsible for the replacement of his faulty septic field.	Resolved
	50-9	Could not obtain information from restricted birth certificate.	Under investigation
	50-10	Complaint against a mental health unit.	Discontinued by client
Health	52-1	Believes that MSI reimbursement for medical treatment he received outside the province is inadequate.	Assistance rendered
	52-2	Because of several moves, found he does not qualify for MSI.	Discontinued by client
	52-3	As a returning Canadian, he learned he is not eligible for MSI coverage.	Resolved

Housing

56-1	Qualified for an emergency home repair grant and work was completed; grant paid for bills but after payment she was advised that she had not paid her interest; the department would not reopen claim.	Assistance rendered
56-2	Complains that it took eight months to find out that his application for a housing grant had been refused.	Assistance rendered
56-3	Concerned about proposed changes to the housing unit in which her mother lives.	Assistance rendered
56-4	Difficulty obtaining a loan from CMHC because of an outstanding loan.	Discontinued by Ombudsman
56-5	Difficulties obtaining financing for his oil-burning furnace.	Assistance rendered
56-6	Alleges that delays on the part of the department caused liens to be placed against his home.	Under investigation
56-7	Concerned about friend who is ineligible for seniors' apartment because of exceptional family circumstances.	Assistance rendered
56-8	Believes that the department should drill a new well to eliminate salt contamination resulting from highway salting.	Discontinued by Ombudsman
56-9	Elderly lady requires assistance with the removal of ureaformaldehyde insulation from her home.	Assistance rendered
56-10	Alleges that staff of department were uncooperative because of pay difficulties with another government department.	Discontinued by client
56-11	Does not qualify for residency in senior citizens' complex because of "voluntary absence" from the community.	Assistance rendered
56-12	Believes that the house built for his family by the department is inadequate.	Under investigation
56-13	Purchased a house from the department; house required excessive repairs that he believes should be paid for by the department.	Assistance rendered

	56-14	Complaint that the department agreed to purchase her home as a housing unit but changed the closing date which resulted in her having to pay rent and mortgage for one month.	Assistance rendered
Nova Scotia Human Rights Commission	58-1	Complaint about lack of progress on her case by her human rights officer.	Unsupported
Industry, Trade and Technology	60-1	Complaint questions who is responsible for additional costs involved in the building of a government wharf.	Unsupported
Labour	62-1	Complaint about difficulties with the department.	Unsupported
	62-2	Complaint that the department is taking too long to investigate his complaint against his employer.	Assistance rendered
	62-3	Complaint that an inspector would not reissue his licence and that he was advised he had no right of appeal.	Resolved
	62-4	Allegation that labour standards officer was negligent.	Unsupported
	62-5	Concerned that allegation of perjury at Labour Standards Tribunal is not being investigated.	Assistance rendered
	62-6	Alleges that the department is having difficulties obtaining money owed by complainant's employer.	Assistance rendered
	62-7	Granted a pass mark on the A-2 First Class Stationary Engineering Certificate but was refused the Standardized first class ticket.	Assistance rendered
	62-8	Complaint about delays by labour standards officer to process claim against past employer.	Assistance rendered
	62-9	Complaint that labour standards officer was not helpful.	Discontinued by Ombudsman

62-10	Alleges that Labour Standards took undue length of time to investigate case.	Discontinued by client

Lands and Forests

64-1	Employee concerned about hiring practices used for a full-time position.	Discontinued by client
64-2	Ongoing complaint about the status of ownership of land.	Discontinued by Ombudsman
64-3	Alleges that application for herbicide spraying by neighbor was not thoroughly investigated; feared his well water would be adversely affected by spraying.	Assistance rendered
64-4	Concerned about a sailing school's use of an island near his home.	Assistance rendered
64-5	Alleges his supervisor is causing him stress by harassing him on the job.	Discontinued by client
64-6	Alleges that improper hiring practices were used, resulting in the position being offered to a less qualified candidate.	Discontinued by Ombudsman
64-7	Complaint about a substantial rent increase for land leased by the government.	Assistance rendered
64-8	Does not believe landfill site near his home should be used for burning materials.	Assistance rendered
64-9	Believes he is more qualified than the successful candidate for a position with the department.	Unsupported
64-10	Allegation of pay inequity at provincial parks.	Resolved
64-11	Dispute about access to a beach.	Discontinued by client
64-12	Casual employee wants to know what her reference rating will be.	Assistance rendered
64-13	Believes the department was acting unfairly during expropriation proceedings.	Discontinued by Ombudsman
64-14	Complaint that government gave special treatment to natives regarding extended hunting season.	Discontinued by client

64-15	Complains that he had not been the successful candidate for positions for which he believed he was the most qualified.	Assistance rendered
64-16	Car had been impounded by Lands and Forests personnel because it was being used by owner's son to jack deer; owner wanted to know how to get car back.	Discontinued by Ombudsman
64-17	Private property owner would like control over the public use of his beach.	Assistance rendered

Legal Aid

66-1	Not satisfied with the services of a legal aid lawyer.	Assistance rendered
66-2	Having difficulties getting Legal Aid to agree to have case turned over to lawyer that client has already hired.	Assistance rendered
66-3	Because of previous experience with Legal Aid, he does not want them to represent him.	Assistance rendered
66-4	Alleges she was refused legal advice regarding continuing problems with landlords.	Discontinued by Ombudsman
66-5	Does not think that his application for legal aid should have been turned down.	Assistance rendered
66-6	Believes he should have received legal aid help.	Assistance rendered
66-7	Alleges that his legal aid lawyer had failed to return his calls for seven months; did not know what work had been done for his appeal.	Under investigation

Nova Scotia Liquor Commission

68-1	Alleges she should have been the successful candidate for a position with the commission.	Unsupported
68-2	Seeking help to ascertain if his employer owes him severance pay.	Assistance rendered
68-3	Dismissed from his position and concerned with the length of time it is taking to be dealt with by an adjudicator.	Declined

	68-4	Alleges his former employer is delaying his application for early retirement.	Resolved
	68-5	Alleges that a minor was served liquor at a branch of the Royal Canadian Legion.	Under investigation
Members, Legislative Assembly	72-1	Concerned about actions of members of the Legislature during the visit of the federal Auditor General.	Assistance rendered
	72-2	Alleges that minister made false claim about reinstating him to former position.	Discontinued by Ombudsman
Mines and Energy	74-1	Complaint about the danger of an open mine.	Assistance rendered
Municipai Affairs	76-1	Complaint that his business is assessed as a retail business when in fact it is a motor vehicle business, thus his assessment is much higher than it should be.	Discontinued by client
Nova Scotia Municipal Board	77-1	Alleges he was offered job which was later rescinded with no explanation to him.	Under investigation
Municipalities, General	78-1	Alleges he was being harassed by several municipal departments.	Discontinued by client
	78-2	Employee/employer disagreement.	Declined
	78-3	Believes a municipal councillor is blocking his efforts to operate a grocery store successfully.	Assistance rendered
	78-4	Taxi company owner had difficulty selling business because operating licence could not be transferred.	Unsupported

78-5	Alleges inaction of dog controller to enforce by-law.	Discontinued by Ombudsman
78-6	Complaint about process used to implement Street Vendors Act.	Discontinued by Ombudsman
78-7	Not clear about amount to be paid for a mobile canteen spot.	Assistance rendered
78-8	Dissatisfied with dismissal from position of recreation co-ordinator.	Under investigation
78-9	Complaint of unfair hiring practices in the community for summer student employment program.	Assistance rendered
78-10	Wants better control of expenditures made or approved by town council.	Discontinued by client
78-11	Complaint about the hiring policies of the municipality.	Discontinued by Ombudsman
78-12	Believes he is being treated unfairly because the municipality asked him to clean up property.	Assistance rendered

Municipalities, Housing Authority

80-1	Complaint that a worker from the Housing Authority would not release a tenant's house keys to him while she was in hospital.	Assistance rendered
80-2	Refused public housing.	Assistance rendered
80-3	Complaint that Housing Authority should assume responsibility for repairs to his fence because the fence was damaged while housing project was being constructed.	Assistance rendered
80-4	Senior citizen would like a family member to be permitted to live in her housing unit to care for her.	Discontinued by client
80-5	Alleges the Housing Authority agreed to pay for materials for the construction of a fence but now informed her the fence must be removed because of objections from neighbors.	Assistance rendered
80-6	Alleges he was denied public housing for financial reasons.	Discontinued by client

Municipalities, Planning and Development

82-1	Concerned that location of new sewage treatment plant is too close to home wells.	Assistance rendered
82-2	Parking dispute.	Discontinued by client
82-3	Concerned that the street where they live, which they now maintain, if allowed to be developed, would result in their being liable for any accidents which might occur on the street.	Assistance rendered
82-4	Concerned about expropriation of her land.	Discontinued by Ombudsman
82-5	Dispute with municipality about right of way.	Discontinued by Ombudsman
82-6	Concerned about proposed ordinance concerning street vendors.	Declined
82-7	Continuing concern about possible development of the Dartmouth Commons.	Declined
82-8	Believes building inspector should have noticed a deficiency in his home when originally inspected.	Unsupported
82-9	Complaint that town would not enforce its own by-laws regarding neighbor who was unwilling to cease operation of business in area zoned R1 (residences only).	Assistance rendered
82-10	Believes municipality should rectify flooding problems experienced on her property because of faulty culvert.	Resolved
82-11	Complaint about the proper placement and care of roadways.	Assistance rendered
82-12	Complaint about municipal planning policy.	Assistance rendered
82-13	County rezoned area from commercial to R-2 designation; complainant wanted her lot to be zoned back to commercial designation.	Assistance rendered
82-14	Complainant alleges the county advised him he did not have a right of way through county property; he says the right of way has existed for the past 150 years.	Assistance rendered

Police	84-1	Complaint that members of town police commission alleged that the person who hired him had no authority to do so and therefore he was discharged.	Assistance rendered
	84-2	Application for taxi licence was denied because of past criminal record.	Discontinued by client
	84-3	Complaint about harassment by police officer.	Assistance rendered
	84-4	Complaint about lack of response from police department concerning his request for a firearm acquisition certificate.	Under investigation
	84-5	Dispute about fine paid to have car removed from impound yard.	Assistance rendered
	84-6	Alleges the police force watched but would not intercede in a street fight which resulted in her son sustaining several broken bones, etc.	Discontinued by client
Social Services	86-1	Dispute about mother's assets. Mother had been placed in a nursing home and son did not want municipality to have claim on all mother's assets.	Discontinued by Ombudsman
	86-2	Complaint that he could not obtain financial assistance to hold him over until his Workers' Compensation Board cheque arrived.	Discontinued by Ombudsman
	86-3	Concerned she might have to move into public housing; would prefer to have her rent subsidized.	Assistance rendered
	86-4	Complaint that her elderly mother cannot make ends meet on the amount of assistance she receives.	Discontinued by client
	86-5	Financial assistance not forthcoming because doctor would not release needed medical information pending receipt of information from doctor in Ontario.	Assistance rendered
	86-6	Complaint that supplemental financial assistance has been denied because her monthly income is more than allowable amount.	Unsupported
	86-7	Complaint that it had taken too long to have his file transferred from the Spryfield office to the Brunswick Street office.	Assistance rendered

86-8	Claims she was refused social assistance.	Unsupported
86-9	Complaint that she has just relocated to Nova Scotia and has been refused social assistance.	Assistance rendered
86-10	Complaint that her municipal assistance has been terminated.	Discontinued by Ombudsman
86-11	Refused social assistance because her husband quit his employment to relocate to Nova Scotia; alleges he would soon be in receipt of UIC but that they had an infant and no funds; requested temporary assistance only.	Assistance rendered
86-12	Would like to receive his comfort allowance on the day he is to leave the Rehabilitation Centre but was told it would take up to three weeks to process this cheque.	Unsupported
86-13	Recipient of social assistance alleges city would not assume liability for repairs to leaky roof.	Resolved
86-14	Complaint that she was let go from employment with a nursing home because she had a relative living there.	Assistance rendered
86-15	Complaint about rude and negative attitude of social worker who was giving information concerning application for help with medication costs.	Assistance rendered
86-16	Social worker has not visited since birth of child as promised; continuing difficulties reaching her by phone.	Assistance rendered
86-17	Alleges his worker is harassing him by requesting medical information.	Unsupported
86-18	Complaint that his assistance has been cut off.	Unsupported
86-19	Requires financial assistance until an insurance claim is settled.	Resolved
86-20	Dispute about comfort allowance.	Assistance rendered
86-21	Complaint about the conduct of employees in the local municipal assistance office.	Unsupported
86-22	Complaint that she had to write psychological test in order to be assisted in obtaining employment.	Assistance rendered
86-23	Complaint that his assistance would be cut off if he did not complete job search statements.	Assistance rendered

86-24	Because of retroactive payment from Canada Pension complainant was advised he now owed money.	Assistance rendered
86-25	Assistance cheque was late; had been refused money in her budget for a phone.	Assistance rendered
86-26	Wants to lay charges against social worker for defamation of character.	Discontinued by Ombudsman
86-27	Alleges he is not being treated fairly by a social worker.	Resolved
86-28	Believes he should not have been turned down for municipal assistance because he is a student.	Assistance rendered
86-29	Alleges that letter of reprimand and other notes on her personal file regarding poor attendance are unjustified.	Unsupported
86-30	Alleges that social worker is preventing him from moving out of his apartment.	Unsupported
86-31	Unwed mother concerned that she cannot pay a bill for ambulance services.	Assistance rendered
86-32	Complaint about the way the municipal assistance office has been handling his file.	Assistance rendered
86-33	Needs money for purchase of prescription drugs.	Assistance rendered
86-34	Municipality will not assist without a medical certificate.	Assistance rendered
86-35	Requires assistance for transportation to Ontario where she is to undergo surgery.	Assistance rendered
86-36	Wants security deposit to be paid for by department.	Assistance rendered
86-37	Complaint about assistance being cut off.	Assistance rendered
86-38	Complaint that they are not receiving enough assistance.	Discontinued by client
86-39	Recently relocated to the Sydney area, complains the municipality will not assist her.	Assistance rendered
86-40	Distraught disabled person requires assistance in locating suitable accommodation and needs financial help to pay for necessary prescriptions.	Assistance rendered

86-41	Having difficulties paying for prescription.	Assistance rendered
86-42	Complainant does not agree with the overpayment she has been advised she owes because of unrecorded income.	Assistance rendered
86-43	Complaint that his brother, who resides in a nursing home, is not receiving his full comfort allowance entitlement.	Assistance rendered
86-44	Social assistance recipient requires help in her move from one apartment to another.	Assistance rendered
86-45	Alleges he was advised it would take two years before he could be admitted to a nursing home.	Discontinued by client
86-46	Complaint that Social Services would not help her because she was only 15.	Assistance rendered
86-47	Alleges that employee in Social Services Department was rude and unpleasant and attempted to deter applicants from applying for assistance.	Resolved
86-48	Refused social assistance.	Under investigation
86-49	Complaint that municipality would not approve him for a disability pension.	Assistance rendered
86-50	Denied social assistance; has no money and no place to live for her and her daughter.	Assistance rendered
86-51	Would like assistance to relocate to another province where he said he had been offered a job.	Assistance rendered
86-52	Complaint that she was refused social assistance to cover the costs of her move to a new home.	Assistance rendered
86-53	Alleges assistance has been refused even though appeal board ruled in their favor.	Under investigation
86-54	Refused social assistance because she is living with her boyfriend.	Assistance rendered
86-55	Alleges her worker is not treating her fairly.	Assistance rendered
86-56	Concerned about his eligibility for municipal assistance.	Assistance rendered

	86-57	Disagrees with ruling to repay an overpayment.	Assistance rendered
Taxation	88-1	Dispute with the city about licence renewal.	Assistance rendered
	88-2	Owner of many small woodlots complains that tax notices were sent for individual parcels of land and not in one notice with a lump sum amount due.	Under investigation
	88-3	Senior on disability pension had received notice his property would go up for tax sale because he owed taxes.	Assistance rendered
	88-4	Conflict of Interest Act — sale of land.	Under investigation
	88-5	Common-law wife does not want to pay deed transfer tax.	Under investigation
Works and Engineering	90-1	Would like water and sewer installed in his area.	Assistance rendered
	90-2	Believes garbage collection contract should have been awarded to company that put in lowest tender.	Unsupported
	90-3	Complaint about severe flooding.	Assistance rendered
	90-4	Believes residents who are supplied town water through shallow pipes due to bedrock, and who must keep water running during winter months, should get a reduction or discount for water consumption.	Assistance rendered
	90-5	Dispute concerning water and sewer.	Assistance rendered
	90-6	Alleges the town's electrical inspector is not qualified; believes town should be financially responsible for damages to TV and washing machine as a result of electrical problems.	Unsupported
	90-7	Believes he has been discriminated against because he was not selected for a position at the works and engineering department.	Assistance rendered

90-8	Wants water tank replaced; alleges she should have been advised to turn off water tank while work crews repaired broken water main.	Under investigation
90-9	Believes the city is not doing a good enough job of removing ice from her street.	Assistance rendered
90-10	Alleges that a large hole in the highway has caused damage to her new car and believes the municipality should be liable.	Under investigation

Nova Scotia Power Corporation

94-1	Not pleased with a settlement offered by the corporation.	Discontinued by client
94-2	Inquiry about pension entitlement; requests copy of letter sent to another claimant several years ago in a seemingly similar situation.	Assistance rendered
94-3	Dispute about the amount of pensionable time he had accumulated.	Unsupported
94-4	Dispute about estimated and actual hours used which resulted in a high power bill.	Assistance rendered
94-5	Alleges he was refused an interview for a position he believes he is qualified for.	Unsupported
94-6	Not happy with the corporation's decision to anchor guide wires to their front yard.	Discontinued by client
94-7	Continuing property dispute with the corporation.	Assistance rendered
94-8	Complaint about inadequacy of pyzometers placed on his land by the corporation.	Assistance rendered
94-9	Alleges that the corporation cut power off without prior notice.	Assistance rendered
94-10	Complainant believes the installation of power lines near his home will decrease the value of his property.	Discontinued by Ombudsman
94-11	Alleges that on the advice of corporation officials, he was laid off by private company which was on contract to corporation.	Assistance rendered

94-12	Believes she should not have to pay to have power supplied to her home in Cape Breton.	Assistance rendered
94-13	Complains that the corporation refuses to assume liability for damage to her cars.	Discontinued by Ombudsman
94-14	Difficulty getting the corporation to put her household power bill in her name.	Assistance rendered
94-15	Permit for power pole route was received but rescinded; complaint about delay in installing power to his home because Department of Transportation was involved.	Under investigation
94-16	Request for help to have the corporation correct interference problem.	Under investigation

Private Matters, Consumer

96-1	Complaint about the return policy of a department store.	Assistance rendered
96-2	Complaint about the poor quality of meat he purchased.	Assistance rendered
96-3	Would not be able to obtain a private phone line until 1990 unless he agreed to pay additional charges.	Discontinued by client
96-4	Complaint about the sale of a car.	Resolved
96-5	Complaint against a company that is not honoring its merchandise.	Assistance rendered
96-6	Experiencing problems with his new home because of its poor construction.	Assistance rendered
96-7	Would like an assurance that his phone number will be listed in the 1989 directory.	Assistance rendered
96-8	Difficulty having car warranty honored.	Assistance rendered
96-9	Dispute with a bank concerning a mortgage.	Assistance rendered
96-10	Complains that a rental company charged him twice for the same item.	Assistance rendered

Private Matters, Insurance Companies	98-1	Complaint regarding insurance company's coverage for fire damage to their home.	Declined
	98-2	Claims insurance company would not pay his benefits.	Assistance rendered
	98-3	Complains he did not receive compensation from an insurance claim.	Declined
	98-4	Long-term disability insurance claim has been filed with employer and denied.	Assistance rendered
	98-5	Complaint that insurance company only paid 50 per cent of her claim.	Assistance rendered
	98-6	Denied a disability pension from her employer.	Assistance rendered
	98-7	Alleges that insurance company is stalling regarding payment of settlement.	Assistance rendered
	98-8	Believes medical insurance should pay him since he was unable to work.	Assistance rendered
Private Matters, Landlord-Tenant Relations	100-1	Tenant having problems with landlord.	Assistance rendered
	100-2	Notice to quit not received in writing yet landlord still planned to execute the order.	Assistance rendered
	100-3	Landlord believes he was being treated unfairly by Residential Tenancies Board regarding monies awarded for damages to his building.	Discontinued by Ombudsman
	100-4	Does not believe his landlord is within his rights when issuing him with a notice to vacate.	Assistance rendered
	100-5	Does not agree with rental increase that was granted to landlord.	Assistance rendered
Private Matters, Legal	102-1	Not pleased with the services of her lawyer.	Assistance rendered
	102-2	Difficulties obtaining a lawyer to represent him.	Unsupported

102-3	Complaint about the Barristers' Society's handling of a sexual assault complaint against her solicitor.	Under investigation
102-4	Request for advice on forthcoming court hearing.	Assistance rendered
102-5	Disputes regarding interpretation and legality of will.	Discontinued by client
102-6	Complaint about father's will.	Assistance rendered
102-7	Alleges lawyer was late with a settlement cheque.	Assistance rendered

Private Matters, Miscellaneous

104-1	Continuing difficulties in obtaining employment.	Assistance rendered
104-2	Difficulty obtaining payment for job performed.	Discontinued by Ombudsman
104-3	Believes a previous employer was giving potential employers a bad review of his work performance.	Assistance rendered
104-4	Complaint that home she purchased has inadequate water supply.	Assistance rendered
104-5	Request for lapel pins for his collection.	Assistance rendered
104-6	Discovered father's land has been sold and would like to know who the trustee is.	Assistance rendered
104-7	Complaint against people in general.	Declined
104-8	Complaint involving a bank.	Assistance rendered
104-9	Complaint against Ontario Registrar General's office.	Resolved
104-10	Complains she was laid off because of lack of funds; has since discovered new employee with similar job responsibilities was hired approximately one month later.	Assistance rendered
104-11	Complaint that his house collapsed into an abandoned coal mine because of subsidence and he does not know who is responsible for damages.	Assistance rendered
104-12	Security business alleges unfair business practices used by competing security business.	Declined

104-13	Complaint about a private hotel that confirmed reservations and later advised that accommodation was not available.	Resolved
104-14	Complaint about a car dealership.	Assistance rendered
104-15	Complains that survey markers on the corners of his property have been washed away because of excavation on adjacent property by contractor.	Discontinued by client
104-16	Alleges that records at credit union do not accurately reflect amount owed on his loan.	Assistance rendered
104-17	Complaint that employer conducted a restructuring of positions which resulted in his demotion.	Assistance rendered
104-18	Complaint about the inadequate local bus/taxi service.	Assistance rendered
104-19	Dispute between baseball leagues.	Assistance rendered
104-20	Many concerns about rate increases imposed by telephone company.	Assistance rendered
104-21	Concerned about who is responsible for the provision of his sick wife's care.	Assistance rendered
104-22	Alleges that staff from collection agency had bothered her at work.	Assistance rendered
104-23	Concerned about Datapac rate increases and lack of notice prior to increases taking effect.	Assistance rendered
104-24	Thinks he is entitled to severance pay from former employer.	Assistance rendered
104-25	Complaint that a construction company is damaging his property while constructing a building next door.	Assistance rendered
104-26	Dispute with employer about hours of work and pay shortages.	Declined
104-27	Grievance against a board.	Assistance rendered
104-28	Complaint about a fibreglass plant next door to home.	Discontinued by Ombudsman

104-29	Does not believe the university where he is a professor should use interest monies from a bequest for general operating expenditures.	Discontinued by Ombudsman
104-30	Complaint that physician refuses to transfer a copy of her file to her new physician.	Assistance rendered
104-31	Dispute with private employer about a health plan.	Assistance rendered
104-32	Requests copy of letter to superintendent of insurance regarding poor business practices exercised by auto insurance company.	Assistance rendered
104-33	Difficulty obtaining a separation certificate from her employer.	Resolved
104-34	Appeal for interim financial assistance until he received Canada Disability Pension.	Assistance rendered
104-35	Wants to be reinstated in her job in dentist's office.	Assistance rendered
104-36	Allegation that a collection agency is attempting to collect funds from him for a bill that has already been paid.	Assistance rendered
104-37	Asks if an employer can demand that an employee work unlimited hours without a break.	Assistance rendered
104-38	Difficulty obtaining information about who is responsible for deficiencies in his new home.	Assistance rendered
104-39	Complaint that metal display units used by some department stores are a safety hazard and would like to know if their use has been approved by government.	Assistance rendered
104-40	Believes she is under surveillance by a number of groups such as the RCMP and CSIS.	Under investigation
104-41	Complains that a business academy will not supply him with a diploma he believes he is entitled to.	Under investigation
104-42	Request for a document signed by his sister.	Under investigation
104-43	Alleges that patients' rights in nursing home are lacking.	Assistance rendered
104-44	Would like to have public transit in her area.	Under investigation

Private Matters, Property Disputes	106-1	Complaint about neighbor's sewage pipe emitting sewage on her property.	Assistance rendered
Private Matters, Social Problems	108-1	Complains that he is unhappy living in a nursing home.	Assistance rendered
	108-2	Complaint about rowdy parties held by neighbor; allegation that the family is not fit to care for their baby.	Discontinued by Ombudsman
	108-3	Disagrees with the institutionalization of grandson.	Assistance rendered
	108-4	Help sought with a social problem.	Discontinued by client
Provincial Boards	110-1	Jurisdiction of the Nova Scotia Hairdressers' Association questioned.	Assistance rendered
Provincial Hospitals	112-1	Patient of psychiatric hospital complains he was admitted without just cause.	Discontinued by Ombudsman
	112-2	Son needs psychiatric counselling but complainant was advised Nova Scotia does not have a psychiatrist qualified in the required specialty.	Assistance rendered
	112-3	Refused access to his medical file at hospital.	Assistance rendered
	112-4	Alleges lack of medical attention and patient rights at a hospital where he is an involuntary patient.	Discontinued by client
	112-5	Complaint that hospital gave her false information about the whereabouts of her stillborn child.	Under investigation
	112-6	Alleges there were unusual circumstances surrounding the death of her 82-year-old father in hospital.	Discontinued by Ombudsman
	112-7	Complains that hospital personnel mistreated him.	Assistance rendered

112-8	Believes she was unjustly dismissed from her job at a hospital.	Discontinued by client
112-9	Complaint that doctors were too hasty in their decision to certify a friend.	Discontinued by Ombudsman
112-10	Alleges that personnel department released information from his file without his permission.	Under investigation
112-11	Alleges he is being detained against his will in the Nova Scotia Hospital.	Assistance rendered
112-12	Believes he was wrongfully dismissed from the Victoria General Hospital.	Assistance rendered

Board of Commissioners of Public Utilities

114-1	Complaint that salvage yard inspector is harassing her about her property.	Assistance rendered
114-2	No response to letter of complaint to the board.	Assistance rendered

School Boards

118-1	Complaint against a substitute teacher.	Resolved
118-2	Complaint about son's expulsion from school.	Discontinued by client
118-3	Inquiry regarding board's policy on a parent's objection to their child not grading.	Assistance rendered
118-4	Does not agree with school's decision to hold daughter back a grade because of linguistic difficulties.	Resolved
118-5	Disagrees with the school's decision to hold back his son one year.	Discontinued by client
118-6	Complaint about inaction of principal and lack of action by board.	Discontinued by Ombudsman
118-7	Request for assistance regarding tuition fees to be paid to board.	Resolved
118-8	Want school bus stop moved to new location; board does not acknowledge their concerns; report regarding the situation has not been provided as promised.	Discontinued by client

118-9	Disputes length of time for a writ of certiorari regarding a dismissal.	Assistance rendered
118-10	Complains about length of time it is taking arbitrator to make a decision on her grievance.	Declined
118-11	Believes members of board and principal are being too strict about transfer policies.	Assistance rendered
118-12	Complains that school board will not fire bus driver.	Under investigation
118-13	Disabled son wants to go on school bus with friends; bus driver refuses to go to the driveway.	Under investigation

Registrar of Securities

119-1	Responsibility of the Nova Scotia Government in the failure of the Principal Group questioned.	Under investigation
119-2	Concern expressed that the administration of the Securities Act was careless and negligent.	Under investigation
119-3	Principal Group failure: responsibility of the Nova Scotia Government questioned.	Under investigation
119-4	Concerned citizens question the responsibility of the Nova Scotia Government in the Principal Group failure.	Under investigation
119-5	Complaint about Principal Group.	Under investigation

Small Business Development

120-1	Applied for financial assistance through program offered to handicapped individuals who own and operate their own business; denied assistance.	Unsupported
120-2	Difficulty obtaining information on available provincial funding for female entrepreneurs.	Assistance rendered
120-3	Complains that loan for new business has been denied.	Assistance rendered

Solicitor General

122-1	Wants her personnel file to reflect a balanced view of circumstances surrounding the termination of her employment at youth centre.	Resolved
122-2	Alleges his parole was unjustly revoked.	Discontinued by Ombudsman
122-3	Inmate believes three calls to find new lawyer is inadequate; thinks mail from lawyer, which is marked "Personal and Confidential," should not be opened by staff at correctional centre.	Assistance rendered
122-4	Allegation about lack of medical attention at the institution where he is incarcerated.	Unsupported
122-5	Disputes his court hearing.	Resolved
122-6	Inmate complains that travel expenses to Ontario for trial will not be paid for by province.	Assistance rendered
122-7	Allegation about lack of prompt attention from local police force regarding an emergency in which two children were drowned.	Assistance rendered
122-8	Request for an investigation of the treatment of prisoners at correctional centre.	Assistance rendered
122-9	Allegation of lack of response from RCMP regarding vandalism of his warehouse.	Assistance rendered
122-10	Questions concerning the Young Offenders Act.	Assistance rendered
122-11	Wants to know the regulations or policy for a person serving time intermittently and who wants to get approval for out-of-province compassionate leave.	Assistance rendered
122-12	Trying to obtain permission to receive false teeth while serving time in correctional facility.	Assistance rendered
122-13	Inmate wants to serve time in another province.	Under investigation

Department of Tourism and Culture	124-1	Request for investigation into marketing practices of Department of Tourism.	Assistance rendered
	124-2	Dispute with employer about the "reason for leaving" stated on his separation certificate.	Discontinued by client
Department of Transportation and Communications (including Registry of Motor Vehicles)	126-1	Alleges salting of highway is causing salt in his well water; also complains that recent road repairs have caused damage to his water pipes.	Resolved
	126-2	Land dispute involving a possible expropriation.	Resolved
	126-3	Not pleased with the offer given for expropriation of her land.	Assistance rendered
	126-4	Complaint that he must complete a medical and be retested every six months for his driver's licence.	Assistance rendered
	126-5	Complaint against the Registry of Motor Vehicles.	Discontinued by Ombudsman
	126-6	Complains that his mailbox has been destroyed by a snow plow.	Discontinued by client
	126-7	Alleges that a blocked culvert has caused flooding of his property.	Discontinued by client
	126-8	Complains that road surface on the street where she lives needs repair because her disabled child is unable to travel to school on the road.	Resolved
	126-9	Having difficulty with a ticket he received for not having insurance at the time he was stopped by police.	Discontinued by Ombudsman
	126-10	Ongoing dispute regarding flooding of her property.	Discontinued by client
	126-11	Complains he must wait until alcohol counselling is completed before he could be tested for driver's licence.	Unsupported
	126-12	Registry of Motor Vehicles refuses to change his licence classification from 4 to 5.	Assistance rendered

126-13	Requesting information on her eligibility for a driver's licence.	Assistance rendered
126-14	Boat trailer distributor complains that Registry of Motor Vehicles will not accept photocopy of certificate of origin.	Discontinued by client
126-15	Would like to register his truck on a seasonal basis and therefore be charged accordingly.	Assistance rendered
126-16	Wanted Department of Transportation to accept liability for damage to car caused by poor condition of dirt road.	Assistance rendered
126-17	Complaint that water problems were result of contamination caused by salting of the highways.	Resolved
126-18	Alleges women who are accepting jobs as flagmen on highway projects are interfering in regard to his own employment.	Assistance rendered
126-19	Claims that no reasons have been given for suspension of driver's licence.	Resolved
126-20	Believes the Department of Motor Vehicles is acting improperly by not obeying a court order.	Assistance rendered
126-21	Lives on a road that needs grading and believes he has been given the run-around by highway officials in the area.	Resolved
126-22	Believes it is the responsibility of the Department of Transportation and Communications to improve highway drainage system in front of her house.	Resolved
126-23	Complains that request for speed zone reduction has been denied.	Discontinued by client
126-24	Believes department should pay to have paint removed from car since damage occurred during painting of highway lines.	Resolved
126-25	Difficulty obtaining information about when his driver's licence will be restored.	Discontinued by client
126-26	Complaint against department about change in location of his driveway.	Under investigation

126-27	Improvements to road in front of house resulted in alterations having to be made to home to restore it to its former position; home owner seeking compensation.	Discontinued by Ombudsman
126-28	Land developer having drainage problems which he believes should be the responsibility of the department.	Resolved
126-29	Amputee believes he should not have restrictions placed on his driver's licence.	Resolved
126-30	Alleges her husband was dismissed without just cause from the department.	Unsupported
126-31	Difficulties registering boat trailer with the Registry of Motor Vehicles because he needs the original registration of ownership certificate.	Resolved
126-32	Alleges the department did not reimburse him fully for renovations to his ferry.	Unsupported
126-33	Complains that his trucks were not hired to haul salt for department.	Under investigation
126-34	Complaint about highway water runoff which caused flooding of his property.	Under investigation
126-35	Dispute about when his licence should be reinstated.	Discontinued by client
126-36	Complains that the department would not hire him to haul salt.	Under investigation
126-37	Road repairs needed.	Assistance rendered
126-38	Believes he should be reimbursed for the purchase of two new tires damaged because of road construction.	Under investigation

Workers' Compensation Board

128-1	Difficulty obtaining information from board about why his claim is not being processed.	Assistance rendered
128-2	Difficulty obtaining information from the board why his claim is no longer being processed.	Assistance rendered

128-3	Complainant believes he should be receiving benefits from Nova Scotia and Alberta.	Assistance rendered
128-4	Would like assistance having his claim reopened since he is still suffering from the original injury.	Unsupported
128-5	Complains that the board is taking undue length of time processing his claim for travel money.	Assistance rendered
128-6	Complains that his benefits have been terminated but he does not believe he is able to return to work.	Assistance rendered
128-7	Difficulties receiving benefits for his injuries.	Assistance rendered
128-8	Complains that he cannot complete the retraining program he is on since it is aggravating his original injury.	Assistance rendered
128-9	Believes he should receive a higher permanent partial disability award.	Assistance rendered
128-10	Received lump sum payment for eye injury of 1975; request for examination by eye specialist of WCB choice so file can be reopened.	Discontinued by client
128-11	Appeal accepted with same evidence as in original claim; dissatisfied with 10 per cent permanent partial disability award.	Under investigation
128-12	Alleges that board will neither accept nor deny liability for an injury.	Unsupported
128-13	Complains that board will not reopen his claim for scheduled back surgery which he alleges is a direct result of his original injury.	Assistance rendered
128-14	Claims that she has not received a reply to her request for reinstatement of benefits.	Assistance rendered
128-15	Request for assistance with an out-of-province compensation claim.	Assistance rendered
128-16	Request for help regarding application for clothing allowance.	Discontinued by client
128-17	Request for information on status of his claim.	Assistance rendered
128-18	Complains that his benefits have been terminated without warning.	Unsupported

128-19	Wants information on the status of her request for benefits for a stress-related injury.	Assistance rendered
128-20	Complaint about the termination of his benefits.	Resolved
128-21	Complaint that board has not responded to several requests from his lawyer regarding his appeal.	Assistance rendered
128-22	Believes benefits should be retroactive to date the doctor diagnosed and started treating the medical problem.	Assistance rendered
128-23	Unsure about the status of her recent claim with board.	Resolved
128-24	Alleges that benefits were terminated and he has been refused retraining by the board.	Discontinued by Ombudsman
128-25	Complains that board may cut off his father's disability benefits.	Assistance rendered
128-26	Believes his latest application for benefits has not been processed properly.	Discontinued by Ombudsman
128-27	Difficulty obtaining a response from the board about the status of his claim.	Assistance rendered
128-28	Having difficulty finding a proper retraining program.	Assistance rendered
128-29	Does not believe his benefits should have been terminated.	Assistance rendered
128-30	Believes claim should not have been refused.	Under investigation
128-31	Believes his wife's benefits should continue while she is still under doctor's investigation.	Discontinued by Ombudsman
128-32	Confusion concerning employer's reports and information required by board is causing delays in having claim processed.	Assistance rendered
128-33	Benefits received do not reflect increased percentage of disability.	Assistance rendered
128-34	Alleges that benefits were terminated unjustly.	Unsupported
128-35	Request that claim made in 1976 or 1977 to board be reinvestigated.	Assistance rendered

128-36	Complaint about benefits being discontinued.	Assistance rendered
128-37	Complaint about substantial reduction in benefits.	Under investigation
128-38	Lung disability; wants retroactive benefits.	Discontinued by Ombudsman
128-39	Does not think there is justification for decision by board to cut off benefits.	Discontinued by Ombudsman
128-40	Does not want to stop receiving treatment at pain clinic.	Assistance rendered
128-41	Alleges that benefits have been calculated incorrectly.	Assistance rendered
128-42	Delay in receiving benefits.	Assistance rendered
128-43	Claim for travel allowance seems to be ignored.	Assistance rendered
128-44	Disagrees with advertisement about board that it wants to help.	Under investigation
128-45	Disagrees with the board about the replacement of glasses which were broken on the job.	Discontinued by Ombudsman
128-46	Difficulty obtaining information from her worker on the status of her claim.	Under investigation
128-47	Communication breakdown; has not received cheque as promised.	Under investigation
128-48	Due to a recent heart attack his benefits have been terminated.	Under investigation
128-49	Does not believe that claim should have been disallowed.	Assistance rendered
128-50	Complaint that his benefits should be higher.	Assistance rendered
128-51	Complaint about delay in receiving his benefits and also alleges he has not been able to obtain information from the board about its rules and regulations.	Resolved
128-52	Disagrees with the board about his claim for benefits.	Assistance rendered

128-53	Complains that he requested a copy of his file from the board several months ago and still has not received it.	Resolved
128-54	Wants benefits reinstated; alleges travel claim was ignored.	Under investigation
128-55	Complains about long delays by Ontario Workers' Compensation Board to hear his appeal.	Assistance rendered
128-56	Complains that he was advised six weeks ago he would receive benefits, but has not received his first cheque.	Assistance rendered
128-57	Disagrees with the board about the termination of his benefits.	Unsupported
128-58	Alleges that he has not received any response from the board regarding his assessment which took place in July.	Assistance rendered
128-59	Complaint about termination of benefits.	Assistance rendered
128-60	Alleges the board will not respond to his telephone inquiries regarding the status of his claim.	Under investigation
128-61	Having difficulties obtaining information on the status of his claim.	Under investigation
128-62	Unsure of the status of his claim.	Resolved
128-63	Complaint about eligibility for a miner's pre-retirement leave program.	Unsupported

Workers' Compensation Appeal Board

130-1	Client not sure about the status of her appeal.	Assistance rendered

Appendix A

The Ombudsman Act, S.N.S., 1970-71, c.3, s.1

Short Title

1 This Act may be cited as the Ombudsman Act, 1970-71, c. 3, s. 1.

Interpretation

2 In this Act,

(a) "agency" means an agency, board, commission, foundation or corporation established under an enactment which

(i) is appointed or has a majority of its members appointed by the Governor in Council, a member of the Executive Council, or the Province; and

(ii) is supported by or directs the expenditure of public funds of the Province;

(b) "chief officer" includes a Deputy Minister, the head or chief executive officer of an agency, the mayor of a city or town, the warden of a municipality to which the Municipal Act applies, and the head or chief executive officer of a municipal agency;

(c) "department" means a department of the Government of Nova Scotia and includes an agency;

(d) "House" means the House of Assembly;

(e) "Minister" means the member of the Executive Council who presides over a department or who is in charge of or responsible for an agency;

(f) "municipal agency" means an agency, board, school board, commission, foundation, corporation, hospital or a welfare, penal or other institution established by or on behalf of or controlled by a municipal unit or two or more municipal units;

(g) "municipal unit" means a municipality to which the Municipal Act applies, a city or a town, and includes a municipal agency;

(h) "officer" means any official, employee or member of a department or a municipal unit;

(i) "Ombudsman" means the Ombudsman appointed under this Act. 1970-71, c. 3, s. 2.

Ombudsman

3 **(1)** There is hereby established, as an officer of the House, a commissioner for investigations to be called the Ombudsman.

Appointment

(2) The Ombudsman shall be appointed by the Governor in Council.

Eligibility for Office

(3) The Ombudsman may not be a member of the House and shall not hold any office of trust or profit, other than his office as Ombudsman, or engage in any occupation for reward outside the duties of his office without prior approval in each particular case by the House or by the Governor in Council when the House is not in session.

Salary

(4) The Ombudsman shall be paid such salary as is determined from time to time by the Governor in Council.

Oath of Office

(5) Before entering upon the exercise of the duties of his office the Ombudsman shall take an oath that he will faithfully and impartially perform the duties of his office and will not divulge any information received by him under this Act except for the purpose of giving effect to this Act.

Administration of Oath

(6) The Speaker or the Chief Clerk of the House shall administer the oath referred to in subsection (5).

Costs and Expenses

(7) The costs and expenses incurred by the Ombudsman or in the administration of the Act may be paid from the Consoldiated Fund. 1970-71, c. 3, s. 3; 1974, c. 48, s. 1.

Term of Office and Re-appointment

4 **(1)** Unless his office sooner becomes vacant, the Ombudsman is to hold office for five years from the date of his

appointment under Section 3 and, if otherwise qualified, is eligible to be reappointed [re-appointed].

Resignation

(2) The Ombudsman may resign his office by notice in writing addressed to the Speaker of the House or, if there is no Speaker or if the Speaker is absent from the Province, to the Chief Clerk of the House. 1970-71, c. 3, s. 4.

Removal or Suspension by Governor in Council

5 **(1)** On the recommendation of the House, the Governor in Council may remove or suspend the Ombudsman from his office for cause or incapacity.

Suspension by Judge

(2) When the House is not in session, a Judge of the Trial Division of the Supreme Court of Nova Scotia may suspend the Ombudsman from his office for cause or incapacity upon an application by the Governor in Council.

Practice and Procedure

(3) Where the Governor in Council makes an application under subsection (2) the practice and procedure of the Supreme Court of Nova Scotia shall apply mutatis mutandis to the application.

Acting Ombudsman and Tabling of Report

(4) Where a Judge of the Trail [Trial] Division of the Supreme Court of Nova Scotia suspends the Ombudsman under subsection (2) that Judge shall

(a) request the Governor in Council to appoint a person as an acting Ombudsman to hold office until the suspension has been dealt with by the House; and

(b) table a report of the suspension within ten days following the commencement of the next ensuing session of the House.

Duration of Suspension

(5) A suspension under subsection (2) is not to continue beyond the end of the next ensuing session of the House. 1970-71, c. 3, s. 5.

Extent of Disclosure in Report of Ombudsman

6 Notwithstanding subsection (5) of Section 3, the

Ombudsman may disclose in a report made by him under this Act any matters which in his opinion are necessary to disclose in order to establish grounds for his conclusions and recommendations. 1970-71, c. 3, s. 6.

Personnel

7 **(1)** The Ombudsman may, subject to the approval of the Governor in Council, appoint such assistants and employees as he deems necessary for the efficient carrying out of his functions under this Act.

Oath

(2) Before performing any official duty under this Act a person appointed under subsection (1) shall take an oath, to be administered by the Ombudsman, that he will not divulge any information received by him under this Act, except for the purpose of giving effect to this Act. 1970-71, c. 3, s. 7.

Delegation of Powers

8 **(1)** The Ombudsman, by writing under his signature, may delegate to a person appointed an assistant under subsection (1) of Section 7 any of his powers under this Act except the power of delegation and the power to make a report under this Act.

Duty To Produce Evidence of Delegation

(2) A person purporting to exercise power of the Ombudsman by virtue of a delegation under subsection (1) shall produce evidence of his authority to exercise that power when required to do so. 1970-71, c. 3, s. 8.

Ombudsman Is Commissioner

9 For the purposes of this Act, the Ombudsman is a Commissioner under the Public Inquires Act. 1970-71, c. 3, s. 9.

Act Does Not Apply

10 This Act does not apply

(a) to judges, magistrates and justices or to the functions of any court of the Province; and

(b) to deliberations and proceedings of the Executive Council or any committee thereof. 1970-71, c. 3, s. 10.

Investigation of Complaint

11 **(1)** Subject to subsection (2), where any person is aggrieved or in the opinion of the Ombudsman, may be aggrieved, the Ombudsman, on the written complaint of or on behalf of the person aggrieved or on his own motion, may investigate the administration,

(a) by a department or an officer thereof, of any law of the Province;

(b) by a municipal unit or an officer thereof, of any law of the municipal unit or any law of the Province that applies to the municipal unit.

Matters Not To Be Investigated

(2) Notwithstanding subsection (1), the Ombudsman shall not investigate

(a) any decision, recommendation, act or omission in respect of which there is under any Act a right of appeal or objection or a right to apply for a review on the merits of the case to any court or to any tribunal constituted by or under any Act, whether or not that right of appeal or objection or application has been exercised in the particular case and whether or not any time prescribed for the exercise of that right has expired; and [or]

(b) any decision, recommendation, act or omission of any person acting as a solicitor or prosecuting officer for the Crown or acting as council for the Crown in relation to any proceeding.

Determination of Jurisdiction

(3) Where a question arises as to the jurisdiction of the Ombudsman to investigate a grievance under this Act, he may apply to the Appeal Division of the Supreme Court of Nova Scotia for a determination of the question of his jurisdiction. 1970-71, c. 3, s. 11.

Application for Investigation

12 **(1)** Subject to the provisions of this Act, a person may apply by written complaint to the Ombudsman to investigate a grievance.

Referral by Committee of House

(2) Notwithstanding Sections 14, 20 and 21, a committee of the House may refer any petition that is before the committee for consideration or any matter relating to such petition to the Ombudsman for investigation and report.

Investigation and Report to Committee

(3) Notwithstanding Sections 14, 20 and 21, where a matter has been referred to the Ombudsman under subsection (2), the Ombudsman, subject to any special directions of the committee, shall investigate the matter as far as it is within his jurisdiction and shall make such report to the committee as he thinks fit.

Letter from Person in Custody or Mental Patient

(4) Notwithstanding any Act, where a letter written by a person in custody on a charge or after conviction of any offence or by any inmate or patient of any sanatorium or mental hospital is addressed to the Ombudsman, it shall be forwarded immediately, unopened, to the Ombudsman by the person for the time being in charge of the place or institution where the writer of the letter is detained or of which he is an inmate or patient. 1970-71, c. 3, s. 12.

Statutory Prohibitions Inapplicable

13 Notwithstanding any other Act providing that a decision, recommendation, act or omission is final or that no appeal lies in respect thereof or that no proceeding, decision, recommendation, act or omission of a department or municipal unit or officer thereof is to be challenged, reviewed, quashed or called in question, the Ombudsman may exercise the powers under this Act. 1970-71, c. 3, s. 13.

Refusal or Cessation of Investigation

14 **(1)** The Ombudsman, in his discretion, may refuse to investigate or may cease to investigate a grievance if

(a) an adequate remedy or right of appeal already exists whether or not the complainant has availed himself of the remedy or right of appeal; or

(b) the grievance is trivial, frivolous, vexatious or not made in good faith; or

(c) having regard to all the circumstances of the case, further investigation is unnecessary; or

(d) the grievance relates to any decision, recommendation, act or omission of which the complainant has had knowledge for more than one year before complaining; or

(e) the complainant does not have a sufficient personal interest in the subject matter [subject-matter] of the grievance; or

(f) upon a balance of convenience between the public interest and the person aggrieved the Ombudsman is of the opinion that the grievance should not be investigated

Notification of Refusal or Cessation

(2) Where the Ombudsman decides not to investigate or to cease to investigate a grievance he shall inform the complainant and any other interested person of his decision and may state his reasons therefor. 1970-71, c. 3, s. 14.

Notification of Investigation

15 Where the Ombudsman intends to investigate a grievance under this Act, he shall,

(a) in the case of a grievance relating to a department, notify the Minister and the chief officer of the department;

(b) in the case of a grievance relating to a municipal unit, notify the chief officer of the municipal unit. 1970-71, c. 3, s. 15.

Investigation in Private

16 (1) Every investigation under this Act is to be conducted in private.

Hearing and Making Inquiries

(2) Subject to this Act, the Ombudsman may hear or obtain information from any person and may make inquiries.

Restriction on Right To Be Heard

(3) The Ombudsman may hold hearings under this Act but, subject to subsections (4) and (5), no person is entitled as of right to be heard by the Ombudsman.

Hearing Required

(4) Where during an investigation the Ombudsman is satisfied that there is prima facie evidence that

> (a) a department of [or] officer thereof administered a law of the Province;
>
> (b) a municipal unit or officer thereof administered a law of the municipal unit or any law of the Province that applies to the municipal unit,

so as to cause a grievance or to give cause for a grievance he shall so advise the Minister and the chief officer of the department or the chief officer of the municipal unit, as the case may be, and the officer causing the grievance and give each an opportunity to be heard.

Right to Counsel

(5) Where a Minister, a chief officer or officer thereof appears at a hearing under subsection (4) they are entitled to counsel.

Consultation Permitted

(6) The Ombudsman may at any time during or after an investigation consult a Minister or chief officer of a department or a municipal unit concerned in the matter of the investigation.

Consultation Required

(7) Before forming a final opinion on any matter referred to in subsection (1) of Section 20, the Ombudsman shall consult with

> (a) the Minister, when the investigation relates to a department, a recommendation to the Minister or when the Minister requests; or
>
> (b) the chief officer of the municipal unit when the investigation relates to a municipal unit.

Referral by Ombudsman

(8) Where during or after an investigation the Ombudsman is of the opinion that there is evidence of a breach of duty or misconduct by a department or municipal unit or officer thereof, he shall refer the matter to the Minister and chief officer of the department or the chief officer of the municipal unit.

Procedure

(9) Subject to this Act and any rules made under

Section 26 [25], the Ombudsman may regulate his procedure. 1970-71, c. 3, s. 16.

Duty To Furnish Information

17 **(1)** Subject to subsections (2), (3), (4), (5), (6) and (7) and Section 18, where the Ombudsman requests a person who in the opinion of the Ombudsman is able to furnish information relating to a matter being investigated by the Ombudsman to furnish such information, that person shall furnish that information and produce any documents or papers that in the opinion of the Ombudsman relate to the matter and that may be in the possession or under the control of that person whether or not that person is an officer of a department or municipal unit, and whether or not the documents and papers are in the custody or under the control of that department or municipal unit.

Summons and Examination of Witness

(2) The Ombudsman may summon before him and examine on oath

(a) any officer of a department or municipal unit who in his opinion is able to give any information referred to in subsection (1);

(b) any complainant; and

(c) with the approval of the Attorney General, any other person who in the opinion of the Ombudsman is able to give any information referred to in subsection (1).

Administration of Oath

(3) The oath referred to in subsection (2) is to be administered by the Ombudsman.

Privileged Information

(4) Subject to subsection (5), where a person is bound by any law or by an enactment to maintain secrecy in relation to, or not to disclose any matter, the Ombudsman shall not require that person to supply any information or to answer any question in relation to that matter or to produce any document or paper relating to the matter which would be in breach of the obligation of secrecy or non-disclosure

Consent To Release Certain Privileged Information

(5) With the prior consent in writing of the complainant the Ombudsman may require a person to whom subsection (4)

applies to supply information or answer questions or produce documents or papers relating only to the complainant and that person shall do so.

Rules of Evidence

(6) The rules for taking evidence in the Supreme Court of Nova Scotia apply to evidence given by a person required to give information, answer questions and produce documents or papers under this Act.

Witness Fees and Expenses

(7) Any person required to attend a hearing under this Act is entitled to the same fees, allowance and expenses as if he were a witness in the Supreme Court of Nova Scotia.

Evidence to Ombudsman Inadmissible in Court

(8) Except on the trial of a person for perjury, evidence given by any person in proceedings before the Ombudsman and evidence of any proceeding before the Ombudsman is not admissible against any person in any court or in any proceedings of a judicial nature.

No Liability for Compliance

(9) No person is liable for an offence against any Act by reason of his compliance with any requirement of the Ombudsman under this Act. 1970-71, c. 3, s. 17.

Protection of Executive Council

18 (1) Where the Attorney General certifies that the giving of any information or the answering of any question or the production of any document or paper may disclose

(a) deliberations of the Executive Council; or

(b) activities of the Executive Council or any member of the Executive Council relating to matters of a secret or confidential nature and would be injurious to the public interest;

the Ombudsman shall not require the information or answer to be given or the document or paper produced.

Information Injurious to Public Interest

(2) Subject to subsection (1), a rule of law that authorizes or requires the withholding of any document, paper or thing, or the refusal to answer any question on the ground that the disclosure of the document, paper or thing, or the answering of the

question would be injurious to the public interest, does not apply in respect of any investigation by or proceedings before the Ombudsman. 1970-71, c. 3, s. 18.

Right of Entry and Investigation

19 **(1)** For the purposes of this Act the Ombudsman may enter upon any premises occupied by any department or municipal unit and, subject to Sections 17 and 18, carry out any investigation within his jurisdiction.

Notice of Intent To Enter

(2) Before entering any premises under subsection (1) the Ombudsman shall notify the chief officer of the department or municipal unit of his intention to enter the premises. 1970-71, c. 3, s. 19.

Report of Ombudsman if Grievance Established

20 **(1)** Where upon investigation the Ombudsman is of the opinion that a grievance exists or may exist because a department or municipal unit or officer thereof administered or is administering a law of the Province or a law of the municipal unit or a law of the Province that applies to the municipal unit,

> (a) unreasonably, unjustly, oppressively or in a discriminatory manner, or pursuant to a rule of law, enactment or practice that so results; or
>
> (b) under mistake of law or fact, in whole or in part; or
>
> (c) wrongly, or
>
> (d) contrary to law; or
>
> (e) by using a discretionary power for an improper purpose, or on irrelevant grounds, or by taking irrelevant considerations into account, or by failing to give reasons for the use of a discretionary power when reasons should have been given;

and if the Ombudsman is of the opinion that

> (f) the grievance should be referred to the department or municipal unit or officer thereof for further consideration; or

(g) an omission should be rectified; or

(h) a decision should be cancelled or rectified; or

(i) a practice by reason of which the grievance arose or may arise should be altered; or

(j) a law by reason of which the grievance arose or may arise should be reconsidered; or

(k) reasons should be given for the use of a discretionary power; or

(l) other steps should be taken as he may advise,

the Ombudsman shall report his opinion, his reasons therefor and any recommendation to the Minister and the chief officer of the department or the chief officer of the municipal unit concerned.

Notice of Implementation of Recommendation

(2) Where the Ombudsman makes a recommendation under subsection (1) he may request the department or municipal unit to notify him within a specified time of the steps it proposes to take to give effect to his recommendations.

Report where Recommendation Not Implemented

(3) Where, after the time stated under subsection (2), the department or municipal unit does not act upon the recommendation of the Ombudsman, refuses to act thereon, or acts in a manner unsatisfactory to the Ombudsman, the Ombudsman may send a copy of his report and recommendation to the Governor in Council, in the case of a department, or the council of the municipal unit, in the case of a municipal unit, and may thereafter make a report to the House.

Included in Report

(4) The Ombudsman shall include with any report made under subsection (3) a copy of any comment made by the department or municipal unit upon his opinion or recommendation.

Hearing Required for Person Adversely Affected

(5) In any report made by him under this Act the Ombudsman shall not make any finding or comment that is adverse to any person unless he gives that person an opportunity to be heard. 1970-71, c. 3, s. 20.

Duty To Inform Complainant

21 **(1)** Where the Ombudsman makes a recommendation under subsection (1) of Section 20 and the department or municipal unit does not act upon such recommendation to his satisfaction, the Ombudsman shall inform the complainant of his recommendation and may add any comment.

Further Duty To Inform Complainant

(2) The Ombudsman shall in any case inform the complainant in the manner and time he deems proper of the result of the investigation. 1970-71, c. 3, s. 21.

Review of Decision of Ombudsman

22 No proceeding of the Ombudsman is void for want of form and, except on the ground of lack of jurisdiction, no proceedings or decisions of the Ombudsman are to be challenged, reviewed, quashed or called in question in any court. 1970-71, c. 3, s. 22.

No Liability of Ombudsman or Personnel

23 **(1)** No proceedings lie against the Ombudsman or against any person holding any office or appointment under the Ombudsman for any thing he may do or report or say in the course of the exercise or intended exercise of his functions under this Act, unless it is shown he acted in bad faith.

Not Compellable Witness

(2) The Ombudsman and any person holding any office or appointment under the Ombudsman shall not be called to give evidence in any court or in any proceedings of a judicial nature in respect of any thing coming to his knowledge in the exercise of his functions under this Act. 1970-71, c. 3, s. 23.

Annual Report

24 **(1)** The Ombudsman shall report annually to the House on the exercise of his functions under this Act.

Publication of General Report

(2) The Ombudsman, in the public interest or in the interests of a person, department or municipal unit, may publish reports relating generally to the exercise of his functions under this Act or to any particular case investigated by him, whether or not the matters to be dealt with in the report have been the subject of a report made to the House under this Act. 1970-71, c. 3, s. 24.

General Rules

25 The House may make general rules for the guidance of the Ombudsman in the exercise of his functions under this Act. 1970-71, c. 3, s. 25.

Offences and Penalties

26 Every person who

(a) without lawful justification or excuse wilfully obstructs, hinders or resists the Ombudsman or any other person in the exercise of his functions under this Act;

(b) without lawful justification or excuse refuses or wilfully fails to comply with any lawful requirements of the Ombudsman or any other person under this Act; or

(c) wilfully makes any false statement to or misleads or attempts to mislead the Ombudsman or any other person in the exercise of his functions under this Act;

(d) refuses or wilfully fails to comply with subsection (4) of Section 12,

is guilty of an offence and on summary conviction is liable to a penalty not exceeding five hundred dollars. 1970-71, c. 3, s. 26.

Existing Right or Remedy Preserved

27 This Act does not affect, abrogate, abridge or infringe or authorize the abrogation, abridgement or infringement of any substantive or procedural right or remedy existing elsewhere or otherwise than in this Act. 1970-71, c. 3, s. 27.

Proclamation

28 This Act or any Section or Sections of it comes into force on and not before such day as the Governor in Council orders and declares by proclamation. 1970-71, c. 3, s. 28.

Proclaimed - April 27, 1971
In Force - April 27, 1971

Appendix B

Conclusions and recommendations — *Report of the Office of the Ombudsman in the Matter of the Regulation of First Investors Corporation Ltd. (Halifax, February 1990. pp.40-46)*

Conclusions

1. Almost six thousand residents of Nova Scotia purchased investment contracts offered by First Investors Corporation Ltd. They represent the largest single group outside Alberta, British Columbia, and Saskatchewan and were not dissimilar to purchasers of contracts in other provinces in terms of age, income levels and personal financial objectives.

2. Investigations in other provinces have confirmed beyond doubt that the sales practices of First Investors Corporation Ltd. and associated companies were deceptive and misleading. These same techniques were routinely practised in Nova Scotia.

3. First Investors Corporation Ltd. by the 1980s had become in effect a deposit taking company offering a product which was virtually indistinguishable, at least in the public mind, from term deposits and guaranteed investment certificates offered by banks and trust companies but without the statutory safeguards required of banks and trust companies.

4. Investment contracts were deemed in several other provinces not to be a security in the traditional sense and new legislation was enacted in those provinces to bring such contracts within the regulations of Investment Contract Acts. Investment contracts continued to be deemed a security in Nova Scotia and their issue and sale continued to be subject to the regulation of the existing Securities Act of this Province.

5. The Government of Nova Scotia deserves credit for recognizing deficiencies inherent in the existing securities regulatory system and for enacting the present Securities Act, establishing a Securities Commission, and providing the bureaucracy to administer it. Under the present regime it is most unlikely that the unhappy experience of the Principal affair could be repeated.

6. The Office of the Registrar under the Securities Act registered investment contracts of First Investors Corporation Ltd. contrary to the provisions of the existing statute and regulations relating to the registration of securities.

7. The Registrar appears to have accepted as satisfactory compliance with the statute and regulations respecting registration of securities, the filing of a copy of an investment contract filed with the Superintendent in Alberta, and confirmation that the issuer had been registered as an issuer in Alberta. That this action was an improper exercise of discretion can hardly be doubted. Such discretion must be exercised in a manner consistent with the purposes and objectives of the empowering legislation. A prime purpose and object of the Securities Act was the protection of the investing public. That such protection was not absolute, nor intended to be, is obvious but it did extend to the provision for examination by the public of a basic minimum of pertinent information relevant to the making of an investment decision. At this point, it appears that there was a failure on the part of the officials concerned and, indeed, a failure of the system itself, to provide in Nova Scotia the minimum protection prescribed by legislation.

8. The Office of the Registrar in Nova Scotia relied improperly on regulators under the Investment Contract Act of Alberta. Such reliance was an improper exercise of the Registrar's discretion under the securities legislation and regulation of this Province.

9. The notion that there was a national policy of reliance on the primary jurisdiction, that officials in other provinces could rely on and were entitled to rely on regulators in the primary jurisdiction to regulate a company, was a practice adopted by securities administrators for the convenience of the investment community. It was an informal arrangement and had no statutory basis in any province.

10. The priority and obligation given to the notion of "principal jurisdiction" in National Policy No. 1 resulted in a reliance on the regulators in the Province of Alberta which was not based on any legislation in the Province. It must be assumed that the practice was known to and accepted by responsible officials of the Government of Nova Scotia.

11. If the Registrar in Nova Scotia had insisted on the submission of financial information by FIC, it is likely that the company would not have complied. In that case, FIC would not have been registered in this Province and its investment contracts would not have been sold here. If, on the other hand, the company did comply, then the information would have been open to public inspection in Nova Scotia as required by statute and an accountant with a knowledge of the Investment Contract Act on reviewing the financial statements would have become suspicious, perceived that the company was in financial difficulty, and concluded that it was probably not able to

meet statutory obligations to contract holders.

12. Successive governments in Nova Scotia between 1959 and 1987 failed to make available to the Office of the Registrar the personnel resources and expertise required for the proper administration of the plan for investor protection embodied in the securities legislation of this Province.

13. This decision to withhold adequate support was made despite repeated pleas for additional personnel from the Office of the Registrar and despite ample warnings that existing securities legislation in Nova Scotia was unsuitable for the registration of investment contracts, warnings which had been exemplified by reasons given for the enactment of specific legislation such as the Investment Contract Acts of other provinces, and by the conclusions drawn in a major federal-provincial report on mutual funds and investment contracts released in 1969.

14. The Government of Nova Scotia bears a moral and legal responsibility for a portion of the loss suffered by residents of this Province who purchased in Nova Scotia investment contracts issued by First Investors Corporation Ltd.

15. The Securities Act of Nova Scotia was clearly unsuitable for the registration of investment contracts and thus the responsibility for loss which may be attributed to regulators in this Province is less than would be the case where specific legislation existed as in the form of the Investment Contract Acts of Alberta, British Columbia, and Saskatchewan.

Recommendations

1. That the Government of Nova Scotia compensate holders of FIC investment contracts issued in Nova Scotia in an amount which, together with compensation already offered by the Province of Alberta and the share of proceeds from the sale of assets, is not less than the compensation to be received by holders of contracts issued in the Province of Alberta.

2. That the Government of Nova Scotia endeavour to persuade the Government of Alberta that Nova Scotia be exempt from any pooling arrangement in view of the fact that there did not exist in this Province any legislation relating exclusively to investment contracts such as existed in the form of the Investment Contract Acts of Alberta, British Columbia, and Saskatchewan.